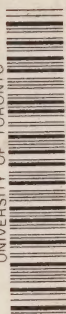


UNIVERSITY OF TORONTO



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THE
QUEEN'S REGULATIONS AND ORDERS
FOR THE
CANADIAN ARMY

VOLUME I

[ADMINISTRATIVE]



**THE
QUEEN'S REGULATIONS
AND ORDERS
FOR THE
CANADIAN ARMY**

**VOLUME I
(Administrative)**

Issued under the authority of the National Defence Act

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
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VOLUME I

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10/1	261/51	17 Dec. 51	1/13	364/53	7 Dec. 53
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CHAPTER 1

INTRODUCTION AND DEFINITIONS

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

1.01—TITLE

(1) This publication shall be called The Queen's Regulations and Orders for the Canadian Army and may be cited as QR(Army).

(2) All references in this publication to The King's Regulations and Orders for the Canadian Army and KR(Army) shall be deemed to be amended in accordance with (1) of this article.

(M)

(7 Feb 52)

1.02—DEFINITIONS

In QR(Army) and in all orders and instructions issued to the army under *The National Defence Act*, unless the context otherwise requires:

(i)(a) "administrative deduction" means an amount chargeable against the pay and allowances of an officer or man to reimburse the Crown or an institute in whole or in part, for financial loss for which that officer or man has been found responsible;
(15 Dec 53)

* (i)(b) "aircraft" means flying machines and guided missiles that derive their lift in flight chiefly from aerodynamic forces, and flying devices that are supported chiefly by their buoyancy in air, and includes any aeroplane, balloon, kite balloon, airship, glider or kite;

(ii) "air force" means the Royal Canadian Air Force;

* (iii) "aircraft material" means engines, fittings, armament, ammunition, bombs, missiles, gear, instruments, and apparatus, used or intended for use in connection with aircraft or the operation thereof, and components and accessories of aircraft and substances used to provide motive power or lubrication for or in connection with aircraft or the operation thereof;

(iv) "army" means the Canadian Army;

(v) "Army Headquarters" means that part of National Defence Headquarters concerned exclusively with the army;

(vi) "attachment" means,

(a) the assignment of a person for continuous duty or training outside the army where the duty or training is of advantage primarily to the army; or

(b) the temporary assignment of a person within the army to a component, subcomponent, formation, station or unit other than that in which he is ordinarily employed and in which he continues to fill a position;

(21 Jun 56)

(vii) "authorized bands" means those bands of the army authorized by establishment or by the Chief of the General Staff;

(viii) "Camp Training" means duty performed by an officer or man of the Reserves while undergoing annual training in camp including proceeding to and returning from the camp;

* (ix) "Canadian Forces" means the naval, army and air forces of Her Majesty raised by Canada and consist of three Services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force;

*Indicates definition drawn from *The National Defence Act*.

1.02—DEFINITIONS (Cont'd)

- (x) "casualty" means any injury to or illness of an officer or man whether or not it is fatal, and includes the absence of a missing officer or man;
- *(xi) "civil court" means a court of ordinary criminal jurisdiction in Canada and includes a court of summary jurisdiction;
- *(xii) "civil custody" means the holding under arrest or in confinement of a person by the police or other competent civil authority, and includes confinement in a penitentiary or a civil prison;
- *(xiii) "civil prison" means any prison, gaol or other place in Canada in which offenders sentenced by a civil court in Canada to imprisonment for less than two years can be confined, and, if sentenced out of Canada, any prison, gaol or other place in which a person, sentenced to that term of imprisonment by a civil court having jurisdiction in the place where the sentence was passed, can for the time being be confined;
- (xiv) "classification" means one of the grades of private or equivalent rank, namely, trained soldier or recruit; (8 Dec 54)
- (xv) "classified materiel" means all official materiel which for reasons of policy or security should be specially safeguarded;
- *(xvi) "Code of Service Discipline" means the provisions of Parts IV, V, VI, VII, VIII, and IX of *The National Defence Act*;
- (xvii) "commanding officer" means,
 - (a) an officer in command of a unit; or
 - (b) any other officer designated as a commanding officer by or under the authority of the Chief of the General Staff; (16 Apr 59)(See also article 101.01—"Meaning of 'Commanding Officer' ".)
- (xviii) "constable" includes a high constable, commissioner or other officer of the police;
- (xix) "Continuous Army Duty" means full time duty performed by an officer or man of the Reserves anticipated to exceed six months, including proceeding to and returning from the place of duty but not including attendance at courses which form part of the training of the Reserves;
- *(xx) "court martial" includes a General Court Martial, a Disciplinary Court Martial and a Standing Court Martial;
- *(xxi) "defence establishment" means any area or structure under the control of the Minister, and the materiel and other things situate in or on any such area or structure;
- *(xxii) "Department" means the Department of National Defence;
- *(xxiii) "Deputy Minister" means the Deputy Minister of National Defence;
- *(xxiv) "detention barrack" means a place designated as such under subsection two of section one hundred and seventy-eight of *The National Defence Act*;
- (xxv) "detached duty" means continuous duty performed by an officer or man away from his formation, station or unit;
- (xxvi) "detention room" means a building or part of a building used to accommodate persons being detained;

*Indicates definition drawn from *The National Defence Act*.

1.05—SINGULAR AND PLURAL WORDS

In QR(Army), unless the contrary intention appears, words used in the singular shall include the plural, and words in the plural shall include the singular.

(M)

1.06—“MAY”, “SHALL” AND “SHOULD”

In QR(Army):

- (a) “may” shall be construed as being permissive and “shall” as being imperative; and
- (b) “should” shall be construed as being informative only.

(M)

1.065—“PRACTICABLE” AND “PRACTICAL”

In QR(Army):

- (a) “practicable” shall be construed as “physically possible”; and
- (b) “practical” shall be construed as “reasonable in the circumstances”.

(M)

1.07—MASCULINE AND FEMININE

In QR(Army), unless the context otherwise requires or the Minister otherwise directs, words importing the masculine gender shall include females.

(M)

1.08—CALCULATION OF TIME

Except in the cases where QR(Army) expressly provides otherwise, when any provision of QR(Army), or any order or instruction issued to the army, or any warrant issued under their authority:

- (a) is expressed to take effect on a particular day, it shall be effective at 0001 hours on that day; or
- (b) states that a period of time is to commence on a particular day, that period shall commence at 0001 hours on that day.

(M)

1.09—TABLE OF CONTENTS, APPENDICES, AND REFERENCES

The table of contents, the index, and all italicized references within parentheses to appendices, to statutes, to other regulations, or to other articles of QR(Army), shall not form part of QR(Army) and may be altered on the authority of the Chief of the General Staff. There shall be printed as appendices to QR(Army) such matters as the Chief of the General Staff shall from time to time direct.

(G)

1.10—COMMUNICATION WITH HIGHER AUTHORITY

Unless the context otherwise requires, when in QR(Army) or in any orders amplifying or implementing it a communication of any kind, or a report or return, is required or permitted to be made to a higher authority, it shall be made through such channels of communication as the Chief of the General Staff may prescribe.

(M)

1.11—FORMS

(1) The forms authorized under *The National Defence Act* for use in the army should be followed in all cases in which they are applicable, and when used shall be valid in law, but a deviation from any form shall not, by reason only of that deviation, render any charge, warrant, order, proceedings or other document, invalid.

(2) An omission of any form authorized under *The National Defence Act* for use in the army shall not, by reason only of the omission, render any act or thing invalid.

(G)

1.12—REGULATIONS AND ORDERS TO BE AVAILABLE TO OFFICERS AND MEN

A commanding officer shall cause regulations and orders issued in implementation of *The National Defence Act* to be readily available to all officers and men whom they concern.

(C)

1.13—EXERCISE OF POWERS

(1) When by QR(Army) any power or jurisdiction is given to, and any act or thing is to be done by, to or before any officer or man, that power or jurisdiction may be exercised by, and that act or thing may be done by, to or before any other officer or man for the time being authorized in that behalf by QR(Army) or according to the custom of the service.

(2) When he is on active service, any officer not below the rank of colonel, serving in any theatre of war outside Canada, may, with the approval of the Minister, exercise and perform in that theatre of war any power or right which by QR(Army) is vested in, and any act or thing which by QR(Army) is required to or may be done by the Chief of the General Staff.

(3) When by QR(Army) any power or jurisdiction is given to, and any act or thing is to be done by, to or before an officer commanding a command or an area commander that power or jurisdiction may be exercised by, and that act or thing may be done by, to or before: (12 Jan 52)

(a) the officer holding the senior appointment in each branch at Army Headquarters when acting within the scope of the duties assigned to him by the Chief of the General Staff; and

(b) any officer designated for that purpose by the Minister subject to such limitations as the Minister may impose.

(G)

(1.14 TO 1.19 INCLUSIVE: NOT ALLOCATED)**1.20—NOTIFICATION OF REGULATIONS, ORDERS, AND INSTRUCTIONS—RESERVES**

Section forty-nine of *The National Defence Act* provides in part:

“49. (2) All regulations and all orders and instructions relating to or in any way affecting an officer or man of the reserve forces, other than an officer or man who is serving with a unit or other element, when sent to him by registered mail, addressed to his last known place of abode or business, shall be held to be sufficiently notified.”

(C)

1.21—NOTIFICATION BY RECEIPT OF REGULATIONS, ORDERS, AND INSTRUCTIONS

Subject to subsection two of section forty-nine of *The National Defence Act* (see article 1.20) all regulations, orders, and instructions issued to the army shall be held to be published and sufficiently notified to any person whom they may concern if:

- (a) they are received at the unit or other element at which that person is serving; and
- (b) the commanding officer of the unit or element takes such measures as may to him seem practical to ensure that the regulations, orders, and instructions are drawn to the attention of and made available to those whom they may concern. (See article 4.26—“*Circulation of Regulations, Orders, Instructions, Correspondence, and Publications*”.)

(G)

(1.22: NOT ALLOCATED)

1.23—AUTHORITY OF THE CHIEF OF THE GENERAL STAFF TO ISSUE ORDERS AND INSTRUCTIONS

(1) Subject to (2) of this article, the Chief of the General Staff may issue orders and instructions not inconsistent with *The National Defence Act* or with any regulations made by the Governor in Council or by the Minister:

- (a) in the discharge of his duties under *The National Defence Act*; or
- (b) in explanation or implementation of regulations.

(2) No order or instruction involving the accounting for public funds shall be issued under (1) of this article unless the concurrence of the Comptroller of the Treasury is first obtained.

(G)

1.24—SYSTEM OF ARMY REGULATIONS AND ORDERS

(1) The following shall be embodied in QR(Army):

- (a) regulations, namely basic principles, rules and instructions made by the Governor in Council or the Minister; and
- (b) when they are designed to be reasonably permanent, detailed orders made by the Chief of the General Staff.

(2) The effective date:

- (a) of every army regulation and order shall be prescribed by the approving authority; and
- (b) of a regulation or order imposing obligation or duties shall not be retrospective.

1.24—SYSTEM OF ARMY REGULATIONS AND ORDERS (Cont'd)

(3) In QR(Army):

(a) immediately following every regulation

(i) made by the Governor in Council, there shall be printed in parentheses the letter "G",

(ii) made by the Minister, there shall be printed in parentheses the letter "M"; and

(b) immediately following every order made by the Chief of the General Staff there shall be printed in parentheses the letter "C".

(M)

(6 Jun 52)

1.25—BOOKS AND OTHER PUBLICATIONS FOR ARMY USE

No officer or man shall make use of any book or other publication as an official book or publication unless its use has been authorized by:

(a) *The National Defence Act*; or

(b) QR(Army); or

(c) the Chief of the General Staff.

(C)

1.26—ORDERS IN COUNCIL NOT AUTHORIZED UNDER THE NATIONAL DEFENCE ACT

When, under authority of any statute of the Parliament of Canada other than *The National Defence Act*, the Governor in Council has made an order in council that applies to the army, that order in council and the instructions governing the action to be taken under it shall be promulgated in orders and not as a part of QR(Army).

(M)

(1.27 TO 1.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 2

GOVERNMENT AND ORGANIZATION

(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)

2.01—CONSTITUTION OF THE CANADIAN ARMY

Under section fifteen of *The National Defence Act*, the Canadian Army is constituted as the army of Her Majesty raised by Canada. It shall comprise the following components:

- (a) the Active Force;
- (b) the Reserves; and
- (c) when established by the Governor in Council under section sixteen of *The National Defence Act* (see article 2.04—"Active Service Force"), the Active Service Force.

(M)

2.02—THE ACTIVE FORCE

The Active Force consists of officers and men who are enrolled for continuing full-time service. It is one of the components referred to in *The National Defence Act* as the regular forces.

(M)

(1 Dec 51)

2.03—THE RESERVES

(1) The Reserves consist of officers and men who are enrolled for other than continuing full-time service when not on active service. It shall comprise the following sub-components:

- (a) the Reserve Force;
- (b) the Regular Reserve;
- (c) the Supplementary Reserve;
- (d) the Canadian Officers' Training Corps;
- (e) the Cadet Services of Canada; and
- (f) the Reserve Militia.

(1 Jan 54)

(2) The Reserve Force shall consist of officers and men who have, by virtue of their terms of service, undertaken to perform, when not on active service, such duty and training as may be required of them by or under the authority of the Chief of the General Staff.

(3) The Regular Reserve shall consist of men who:

- (a) have served in the Active Force;
- (b) have volunteered to hold themselves in readiness to be placed on active service; and
- (c) have undertaken to perform, when not on active service, such annual training as may be required of them by or under the authority of the Chief of the General Staff.

(1 Jan 54)

(4) The Supplementary Reserve shall consist of officers and men who, except when on active service or when otherwise ordered by the Governor in Council, are not, by virtue of their terms of service, required to perform duty or training. Former officers and men of the Canadian Army, former officers of any of Her Majesty's Forces, specialists, technicians and other civilians may be enrolled in the Supplementary Reserve.

(5) The Canadian Officers' Training Corps shall consist of:

- (a) officers under training; and
- (b) officers required for the command, administration and instruction of officers under training;

(2 Jan 53)

who are required to undergo annual training and perform duties, which, except in an emergency, do not include continuing full-time service.

2.03—THE RESERVES (Cont'd)

(6) The Cadet Services of Canada shall consist of commissioned officers who are liable to undergo annual training and whose duty is the administration and training of cadet corps of the Royal Canadian Army Cadets.

(7) The Reserve Militia shall consist of officers and men who volunteer to hold themselves in readiness for service in the event of an emergency but are not required to undergo annual training. Former officers and men of the Canadian Army and civilians may be enrolled in the Reserve Militia.

(8) The Governor in Council when acting in pursuance of the powers vested in him by *The National Defence Act* has power to place any officer or man of the Reserves on active service.

(9) An officer or man of the Reserves may with his consent and by or under the authority of the Chief of the General Staff be employed with the Active Force.

(M)

2.04—ACTIVE SERVICE FORCE

Section sixteen of *The National Defence Act* provides in part:

“16.(5) In an emergency or if considered desirable in consequence of any action undertaken by Canada under the United Nations Charter, the North Atlantic Treaty or any other similar instrument for collective defence that may be entered into by Canada, the Governor in Council may establish and authorize the maintenance of components of the Services of the Canadian Forces, referred to in this Act as the active service forces, consisting of

- (a) officers and men of the regular forces and the reserve forces who are placed in the active service forces under conditions prescribed in regulations; and
- (b) officers and men, not of the regular forces or of the reserve forces, who are enrolled in the active service forces for continuing, full-time military service.”

(C)

2.045—STATUS WHEN PLACED IN ACTIVE SERVICE FORCE

No officer or man of the Active Force or of the Reserves shall lose his status as a member of the Active Force or of the Reserves solely by reason of his having been placed in the Active Service Force.

(G)

2.05—POWERS AND DUTIES OF THE MINISTER

Section four of *The National Defence Act* provides in part:

“4. The Minister has the control and management of the Canadian Forces, ...and of all matters relating to national defence ...and is responsible for the construction and maintenance of all defence establishments and works for the defence of Canada.”

(C)

2.06—CONTROL AND ADMINISTRATION—CHIEF OF THE GENERAL STAFF

Section nineteen of *The National Defence Act* provides in part:

“19. (3) The Governor in Council may appoint an officer to be Chief of the General Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Canadian Army.

**2.06—CONTROL AND ADMINISTRATION—CHIEF OF THE GENERAL STAFF
(Cont'd)**

(5) Unless the Governor in Council otherwise directs, all orders and instructions to the . . . Canadian Army . . . that are required to give effect to the decisions and to carry out the directions of the Government of Canada, or the Minister, shall be issued by or through . . . the Chief of the General Staff . . .”

(C)

**2.065—DUTIES OF THE STAFFS AND SERVICES AT
ARMY HEADQUARTERS, COMMAND, AND AREA HEADQUARTERS**

The duties of the staffs and services at Army Headquarters, command, and area headquarters shall be as prescribed by the Chief of the General Staff.

(C)

2.07—FORMATION OF UNITS

(1) Under section eighteen of *The National Defence Act*, the Minister authorizes the formation of units within the army, and specifies the components in which each unit shall from time to time be embodied.

(2) The establishment for officers and men for each unit shall, subject to article 2.09 (Maximum Numbers of Officers and Men), be prescribed by the Chief of the General Staff.

(3) The tables of materiel shall be prescribed by the Chief of the General Staff within any limits prescribed in accordance with article 36.01 (Army Materiel).

(M)

2.08—FORMATION AND COMPOSITION OF COMMANDS

(1) The Minister may authorize:

(a) the establishment of commands within the army; and

(b) the allocation to commands, areas, formations and stations of such units and detachments as are considered expedient.

(2) Except that he shall not authorize the permanent re-allocation of any unit or detachment, the Chief of the General Staff may, when he considers it necessary so to do by reason of training requirements or operational necessity, exercise the powers conferred upon the Minister under (1)(b) of this article.

(M)

2.09—MAXIMUM NUMBERS OF OFFICERS AND MEN

(1) Under section sixteen of *The National Defence Act*, the Governor in Council authorizes the maximum numbers of officers and men in each component.

(2) Subject to (3) of this article, within the maximum numbers prescribed by the Governor in Council, the maximum number of persons by rank and trade group shall be determined by the Minister of National Defence with the concurrence of the Minister of Finance.

(3) When the establishment for any rank is not filled by an officer or man holding that rank, an officer or man of lower rank may be carried against the vacancy.

(G)

(2.10: NOT ALLOCATED)

(2.11 TO 2.14 INCLUSIVE: RESERVED—NAVY)

Section 2—Training of the Reserves

2.15—CAMP TRAINING

An officer or man of the Canadian Army (Militia) may be ordered to perform Camp Training for a period not exceeding fifteen days a year.

2.16—LOCAL TRAINING

(1) An officer or man of the Canadian Army (Militia) may be ordered to perform Local Training for not more than sixty days a year.

(2) For the purpose of this article:

- (a) one day's Local Training shall consist of a continuous period of not less than six hours and not more than twenty-four hours; and
- (b) one half day's Local Training shall consist of
 - (i) two hours or more but less than six hours when the training commences after 1800 hours, or
 - (ii) three hours or more but less than six hours when the training commences before 1800 hours.

(G)

(13 Jul 54)

(2.17 TO 2.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 3

RANK, SENIORITY, COMMAND, AND PRECEDENCE

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—Rank and Seniority

3.01—RANKS OF OFFICERS AND MEN

(1) The ranks of officers shall be:

- (a) field-marshal;
- (b) general;
- (c) lieutenant-general;
- (d) major-general;
- (e) brigadier;
- (f) colonel;
- (g) lieutenant-colonel;
- (h) major;
- (i) captain;
- (j) lieutenant;
- (k) 2nd lieutenant; and
- (l) officer cadet.

(2) The ranks of men shall be:

- (a) warrant officer, class 1;
- (b) warrant officer, class 2;
- (c) squadron, battery, company quartermaster-sergeant, staff sergeant;
- (d) sergeant;
- (e) corporal, bombardier; and
- (f) trooper, gunner, sapper, signalmán, private, guardsman, fusilier, rifleman, craftsman.

(3) Staff sergeants or equivalent ranks, sergeants, corporals and bombardiers shall be non-commissioned officers.

(4) Troopers, gunners, sappers, signalmen, privates, guardsmen, fusiliers, riflemen, and craftsmen shall be classified as:

- (a) trained soldier; and
- (b) recruit.

(8 Dec 54)

(G)

3.02—TYPES OF RANK

The ranks prescribed in article 3.01, depending upon the conditions under which they are held, shall be:

- (a) substantive; or
- (b) temporary; or
- (c) acting; or
- (d) honorary.

(M)

AL 19

3.03—SUBSTANTIVE RANK

(1) The substantive rank of an officer shall be that rank below which he cannot be reduced otherwise than by a sentence of a court martial.

(2) The substantive rank of a man shall be that rank below which he cannot be reduced otherwise than by:

- (a) a sentence of a service tribunal; or
- (b) reversion for inefficiency or misconduct.

(See articles 11.10—“*Reversion and Remustering for Inefficiency*” and 11.11—“*Reversion and Remustering upon Conviction by the Civil Power*”.)

(M)

3.04—TEMPORARY RANK

When an officer or man is on active service, he may be given, in addition to his substantive rank, a higher temporary rank which he shall normally retain for the duration of the emergency or until he is promoted to the next higher temporary rank.

(M)

3.05—ACTING RANK

An officer or man while filling a position on an establishment for which a rank higher than his substantive or temporary rank is authorized may be promoted to the appropriate higher acting rank.

(M)

3.055—COLONEL OF THE REGIMENT APPOINTMENT

(1) The Minister on the recommendation of the Chief of the General Staff may appoint a serving or retired officer of the Canadian Army to be Colonel of the Regiment for each armoured and infantry regiment of the Canadian Army in which there is at least one unit of the Canadian Army (Regular).

(2) An appointment under (1) of this article:

- (a) shall not in itself cause a person to become a member of the army; and
- (b) shall not confer any right of command.

(3) The tenure of appointment and terms of reference of Colonel of the Regiment shall be as notified in orders issued by the Chief of the General Staff.

(4) For the purposes of this article, each armoured unit of the Canadian Army (Regular) which does not otherwise form part of a regiment shall be deemed a regiment and, in respect of infantry and other armoured units, those units which have as their primary designation a common title, other than numerical, shall be deemed to comprise a regiment.

(M)

(HQ 1733-3)

(19 Aug 58)

3.06—HONORARY APPOINTMENT

(1) The Minister on the recommendation of the Chief of the General Staff may appoint:

- (a) an honorary colonel commandant
 - (i) for each corps of the army, and
 - (ii) for such other formations as may be deemed desirable;
- (b) an honorary colonel for each regiment, battalion, or unit of the army which is commanded by a lieutenant-colonel; and
- (c) an honorary lieutenant-colonel for
 - (i) each regiment, battalion, or unit for which an honorary colonel is authorized, and
 - (ii) each other unit of the army with an authorized establishment of not less than 200 all ranks, which does not form part of a regiment or battalion.

(2) A person to be eligible for appointment under (1) of this article shall:

- (a) be
 - (i) an officer of the Supplementary Reserve, or
 - (ii) a former officer of any of Her Majesty's Forces who has a record of distinguished service, or
 - (iii) a distinguished Canadian citizen or other British subject; and
- (b) meet such other conditions as the Minister may prescribe.

3.06—HONORARY APPOINTMENT (Cont'd)

(3) An appointment under (1) of this article:

- (a) shall not in itself cause a person to become a member of the army;
- (b) shall not confer any right of command;
- (c) shall not involve any expense to the public; and
- (d) shall normally be for a period of five years.

(4) Recommendations for an appointment under (1) of this article shall be initiated by the corps, regiment, battalion, or unit concerned in accordance with such directions as the Minister may prescribe.

(M)

3.07—HONORARY RANK

(1) The Minister, on the recommendation of the Chief of the General Staff, may grant honorary rank to a person:

- (a) who has rendered distinguished service to the army; or
- (b) who, from an educational or administrative point of view, is likely to promote the general efficiency of the army.

(2) The grant of an honorary rank under (1) of this article shall not:

- (a) in itself cause a person to become a member of the army;
- (b) confer any right of command; and
- (c) unless the Minister on the recommendation of the Chief of the General Staff otherwise directs, involve any expense to the public.

(G)

(26 Sep 52)

3.08—RELATIVE RANK WITH OTHER SERVICES

The relative ranks of officers and men with the officers and men of the Royal Canadian Navy and the Royal Canadian Air Force shall be as prescribed in the table to this article.

(G)

TABLE TO ARTICLE 3.08

<i>NAVY</i>	<i>ARMY</i>	<i>AIR FORCE</i>
1. Admiral of the Fleet	Field-Marshal	Marshal of the Royal Canadian Air Force
2. Admiral	General	Air Chief Marshal
3. Vice-Admiral	Lieutenant-General	Air Marshal
4. Rear-Admiral	Major-General	Air Vice-Marshal
5. Commodore	Brigadier	Air Commodore
6. Captain	Colonel	Group Captain
7. Commander	Lieutenant-Colonel	Wing Commander
8. Lieutenant-Commander	Major	Squadron Leader
9. Lieutenant	Captain	Flight Lieutenant
10. Sub-Lieutenant and Commissioned Officer (Branch)	Lieutenant	Flying Officer
11. Acting Sub-Lieutenant	2nd Lieutenant	Pilot Officer
12. Midshipman and Naval Cadet	Officer Cadet	Flight Cadet

TABLE TO ARTICLE 3.08 (Cont'd)

NAVY	ARMY	AIR FORCE
13. Chief Petty Officer, 1st Class	Warrant Officer, Class 1	Warrant Officer, Class 1
14. Chief Petty Officer, 2nd Class	Warrant Officer, Class 2	Warrant Officer, Class 2
15. Petty Officer, 1st Class	Squadron, Battery, Company Quartermaster-Sergeant and Staff Sergeant	Flight Sergeant
16. Petty Officer, 2nd Class	Sergeant	Sergeant
17. Leading Seaman	Corporal and Bombardier	Corporal
18. Able Seaman	Trooper	(All Aircraftman classifications) (All classifications)
Ordinary Seaman (having completed six months' service and the prescribed basic training)	Gunner	
Ordinary Seaman (new entry)	Sapper	
	Signalman	
	Private	
	Guardsman	
(G)	Fusilier	
	Rifleman	
	Craftsman	

3.085—LANCE APPOINTMENTS

- (1) Subject to (3) of this article, the commanding officer of a unit may appoint:
 - (a) as a lance-sergeant, a corporal;
 - (b) as a lance-bombardier or lance-corporal, a man who holds the rank of private, 1st class.
 - (2) A man appointed to a lance appointment under (1) of this article shall:
 - (a) hold the same rank that he held prior to his appointment; and
 - (b) relinquish his appointment
 - (i) at the discretion of the commanding officer, or
 - (ii) when he is struck off strength of the unit.
 - (3) The number of lance-sergeants, lance-bombardiers or lance-corporals shall not exceed the number prescribed by the Chief of the General Staff.
- (See articles 103.16—"Disobedience of Lawful Command", 103.17—"Striking or Offering Violence to a Superior Officer", and 103.18—"Insubordinate Behaviour".)

(24 Feb 54)

3.09—ORDER OF SENIORITY

- (1) An officer shall take seniority over all men.
- (2) Subject to article 3.10, officers shall take seniority among themselves and men among themselves in accordance with the order of ranks prescribed in article 3.01 (Ranks of Officers and Men).
- (3) Subject to article 3.10, an officer or man shall take seniority within his rank from the date of enrolment in or promotion to that rank as applicable, except that:
 - (a) the Chief of the General Staff, or such officer as he may designate, may grant additional seniority;
 - (b) the Chief of the General Staff may prescribe the conditions under which seniority may be adjusted on
 - (i) reduction or reversion, or
 - (ii) promotion after reduction or reversion, or
 - (iii) transfer from the Reserves to the Regular Force, or
 - (iv) transfer between sub-components of the Reserves;
 - (c) seniority may be forfeited by reason of the sentence of a service tribunal (see article 104.10—"Forfeiture of Seniority"); and
 - (d) periods of leave without pay and allowances do not count for seniority (see article 16.25—"Leave Without Pay and Allowances").

(27 Aug 52)

3.10—SENIORITY BETWEEN TYPES OF RANK

(1) Officers or men who hold acting rank shall have no seniority in that rank. They shall have seniority among themselves in their order of seniority in their substantive rank.

(2) When any part of the army is on active service, substantive and temporary ranks shall be regarded as equal for purposes of determining seniority.

(M)

3.11—SENIORITY FROM SAME DATE

When officers or men hold the same substantive or temporary rank with the same date of seniority, their seniority among themselves shall, unless the Chief of the General Staff otherwise directs, be determined by their seniorities in their next lower substantive or temporary rank.

(M)

3.12—SENIORITY OF ATTACHED AND SECONDED PERSONNEL

An officer or man of another Commonwealth force who is attached or seconded to the army shall have the same seniority in the army in his rank as he holds in the force to which he belongs.

(M)

(3.13 TO 3.19 INCLUSIVE: NOT ALLOCATED)**Section 2—Command****3.20—COMMAND GENERALLY**

In cases not otherwise provided for in KR(Army), the senior officer present, or in the absence of an officer the senior man present, shall exercise command.

(M)

3.21—COMMAND OF COMMANDS

(1) An officer commanding a command shall exercise command over all formations, stations, units and detachments allocated to his command.

(2) Unless the Chief of the General Staff otherwise directs, in the absence of the officer commanding the command, his command shall be assumed by the senior Active Force officer in the command.

(M)

3.22—COMMAND OF AREAS

(1) An area commander shall exercise command over all formations, stations, units and detachments allocated to his area.

(2) Unless the Chief of the General Staff or the officer commanding the command otherwise directs, in the absence of an area commander his command shall be assumed by the senior Active Force officer at the area headquarters.

(M)

3.23—COMMAND OF STATIONS AND UNITS

(1) Unless the Chief of the General Staff otherwise directs:

- (a) the commanding officer of a station shall exercise command over all units at the station; and
- (b) the commanding officer of a unit shall exercise command over all officers and men at the unit.

(2) Subject to (4) of this article, unless the Chief of the General Staff otherwise directs, in the absence of the commanding officer of a station, his command shall be assumed by the next senior officer at the station.

(3) In the absence of the commanding officer of a unit, his command shall be assumed by the officer holding the appointment of second-in-command.

(4) No officer who is on a course of instruction at, or who is on temporary duty at, or who is attached to a station or unit shall assume command of such station or unit.

(M)

(3.24 TO 3.28 INCLUSIVE: RESERVED—NAVY)**3.29—COMMAND OF SPECIAL FORMATIONS, UNITS, OR DETACHMENTS**

(1) When an officer or man has been appointed to command a special formation, unit, or detachment, the Chief of the General Staff may direct that he shall, subject to (2) of this article, exercise such command independently of the officer commanding the command, the area commander, and the commanding officer of the station within which he may be operating.

(2) An officer or man in the circumstances prescribed in (1) of this article shall conform to any particular orders in force in the locality in which he is operating except where these orders are inconsistent with the due performance of the duty on which he is engaged.

(M)

3.295—COMMAND BY OFFICER OR MAN OF RESERVE MILITIA

No officer or man of the Reserve Militia shall have power of command over officers and men of a component other than the Reserve Militia except when:

- (a) he is called out for service or placed on active service; and
- (b) the officer commanding the command so directs.

(M)

3.30—COMMAND IN AIRCRAFT

Section one hundred of *The National Defence Act* provides:

“100. (1) Every person who, when in an aircraft, disobeys any lawful command given by the captain of the aircraft in relation to the flying or handling of the aircraft or affecting the safety of the aircraft, whether or not the captain is subject to the Code of Service Discipline, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

(2) For the purposes of this section

- (a) every person whatever his rank shall when he is in an aircraft be under the command, as respects all matters relating to the flying or handling of

3.30—COMMAND IN AIRCRAFT (Cont'd)

the aircraft or affecting the safety of the aircraft, of the captain of the aircraft, whether or not the latter is subject to the Code of Service Discipline; and

- (b) if the aircraft is a glider and is being towed by another aircraft, the captain of the glider shall so long as his glider is being towed be under the command, as respects all matters relating to the flying or handling of the glider or affecting the safety of the glider, of the captain of the towing aircraft, whether or not the latter is subject to the Code of Service Discipline.”.

(C)

3.31—CHAPLAINS EXCLUDED FROM COMMAND

No officer of the Royal Canadian Army Chaplain Corps shall exercise command over any other officer or man.

(M)

3.32—COMMAND WHEN SERVICES SERVING TOGETHER

(1) When portions of two or more Services of the Canadian Forces are serving together, command of those portions may be exercised by such officer of any Service of the Canadian Forces as may be designated by or under the authority of the Minister. An officer so designated shall have command over all officers and men serving in those portions.

(2) When portions of two or more Services of the Canadian Forces are serving together in a composite unit, officers and men serving in that unit shall, unless the Minister otherwise directs, obey the orders of persons senior to them in rank (*see article 3.08—“Relative Rank with other Services”*) as if those persons were members of the army.

(G)

3.33—COMMAND IN CANADIAN FORCES MEDICAL SERVICE

(1) Except as provided in (2) of this article, an officer or man assigned to the Canadian Forces Medical Service for employment therein shall obey the orders of persons senior to him in rank (*see article 3.08—“Relative Rank With Other Services”*) who are assigned to the Canadian Forces Medical Service as if those persons were members of the army.

(2) No officer assigned to the Canadian Forces Medical Service who is not a medical officer shall:

- (a) exercise command over a medical officer in respect of his treatment of a patient; or
(b) be eligible to assume command of a hospital.

(M)

(HQ 1733-3)

(15 Jan 59)

3.34—COMMAND WHEN COMMONWEALTH FORCES ARE SERVING TOGETHER OR IN COMBINATION

The Visiting Forces (British Commonwealth) Act, 1933, governs the mutual power of command when Commonwealth forces are serving together or acting in combination. (*See Appendix XII.*)

(M)

(3.35 TO 3.40 INCLUSIVE: NOT ALLOCATED)

Section 3—Precedence

3.41—ARMY PRECEDENCE

- (1) Officers shall take precedence over all men.
- (2) The Chief of the General Staff shall take precedence over all other officers in the army.
- (3) The officer commanding a command, an area commander, and an officer in command of a formation, station or unit shall take precedence over all officers over whom they exercise command.
- (4) In cases not specifically provided for in this article the senior officer or man shall take precedence over the junior.

(M)

(3.42: NOT ALLOCATED)

3.43—PRECEDENCE AMONG HER MAJESTY'S FORCES

- (1) The army shall take precedence after Her Majesty's naval forces. When elements of Her Majesty's naval, army, or air forces take part in a joint parade or ceremony they shall take precedence in that order.
- (2) Except as prescribed in (3) of this article, officers of Her Majesty's naval, army, or air forces taking part as individuals in a joint parade or ceremony shall take precedence among themselves in accordance with their respective ranks and seniority.
- (3) When officers of Her Majesty's naval, army, or air forces take part as individuals in a joint parade or ceremony, the senior naval officer, the senior army officer, and the senior air force officer shall take up their positions together, jointly taking precedence over all other naval, army, or air force officers who may be present, but taking precedence among themselves according to their individual rank and seniority.
- (4) The Minister may, at the opening or closing of the Parliament of Canada, modify the order of precedence prescribed in (1), (2) and (3) of this article.

(M)

(3.44 TO 3.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 4

OFFICERS' DUTIES AND RESPONSIBILITIES

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

4.01—RESPONSIBILITY OF OFFICERS TO SUPERIORS

An officer shall be responsible to his immediate superior for the proper and efficient performance of his duties.

(M)

4.02—GENERAL RESPONSIBILITIES OF OFFICERS

An officer shall:

- (a) acquaint himself with, observe, and enforce
 - (i) *The National Defence Act*,
 - (ii) *The Official Secrets Act*,
 - (iii) QR(Army), and
 - (iv) all other regulations, rules, orders and instructions that pertain to the performance of his duties;
- (b) afford to all persons employed on the public service such assistance in the performance of their duties as is practical;
- (c) promote the welfare, efficiency, and good discipline of all who are subordinate to him;
- (d) ensure the proper care and maintenance and prevent the waste of all public and non-public property within his control; and
- (e) report to the proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the Code of Service Discipline when he cannot deal adequately with the matter himself.

(M)

(4.03 AND 4.04: RESERVED — NAVY)

4.05—VISITS TO STATIONS AND UNITS

An officer visiting a station or unit on duty shall report to the commanding officer before proceeding with the object of his visit.

(C)

(4.06 AND 4.07: RESERVED — NAVY)

Section 2—Duties and Responsibilities of the Judge Advocate General

4.08—GENERAL DUTIES AND RESPONSIBILITIES OF THE JUDGE ADVOCATE GENERAL

The Judge Advocate General shall, in addition to those responsibilities devolving upon him by virtue of *The National Defence Act*, be responsible to the Minister for such legal matters appertaining to the army as the Minister may direct.

(M)

(4.09: NOT ALLOCATED)

Section 3—Officer Commanding a Command and Area Commander

4.10—GENERAL RESPONSIBILITIES

(1) An officer commanding a command shall, for the control or administration of all formations, units, and detachments allocated to his command, be responsible directly to:

- (a) the Chief of the General Staff; or
- (b) such officer as the Chief of the General Staff may designate.

(2) An area commander shall be responsible to the officer commanding the command for the control or administration of all formations, units, and detachments allocated to his area.

(M)

4.11—DUTIES AND FUNCTIONS OF AN OFFICER COMMANDING A COMMAND

(1) Subject to the direction of the Chief of the General Staff, the detailed duties and functions of an officer commanding a command shall include:

- (a) the administration, training and efficiency of all formations, stations and units under his command;
- (b) the maintenance of a scheme of mobilization and defence for all formations, stations and units allocated to his command;
- (c) ensuring that all officers and men under his command are familiar with their duties
 - (i) on mobilization, and
 - (ii) in connection with the defence of the command; and
- (d) the organization of his headquarters, less a minimum portion to remain at the permanent location for static administrative duties, on a mobile basis commensurate with the dictates of training and operational considerations.

(2) An officer commanding a command shall report immediately to Army Headquarters:

- (a) all incidents in which officers or men have been involved in riots or disturbances, together with the result of his inquiries into the circumstances of such incidents; and
- (b) any unusual incident having military significance which occurs in his command.

(C)

(18 Jun 53)

4.12—COMMAND AND AREA ORDERS

(1) An officer commanding a command or an area commander shall issue orders for the information and action of those in his command.

(2) The form of command and area orders shall be as prescribed by the Chief of the General Staff.

(C)

(4.13: RESERVED — NAVY)**4.14—INSPECTION OF FORMATIONS, STATIONS, UNITS AND DETACHMENTS**

(1) An officer commanding a command or an area commander shall personally inspect the formations, stations, units, and detachments allocated to his command:

- (a) as soon as practical after they are placed under his command;
- (b) before they leave his command; and
- (c) at least once each year.

(2) In making inspections the officer commanding the command or the area commander shall consider:

- (a) the efficiency and capacity for command of the commanding officer; and
- (b) the general efficiency of the formation, station, unit, or detachment.

(C)

(4.15: RESERVED — NAVY)**4.16—LIAISON WITH CIVIL AUTHORITIES AND OTHER SERVICES**

The officer commanding the command shall communicate:

- (a) with the appropriate civil, naval, and air force authorities to arrange for co-operation within the limits of the command; and
- (b) with the appropriate naval and air force authorities to arrange combined exercises when practical within any limits of policy prescribed by the Chief of the General Staff.

(M)

(4.17 TO 4.19 INCLUSIVE: NOT ALLOCATED)

Section 4—Commanding Officer

4.20—GENERAL RESPONSIBILITY OF COMMANDING OFFICER

A commanding officer shall be responsible for the whole of the organization and safety of his station or unit, but the detailed distribution of work between himself and his subordinates is left substantially to his discretion. Unless otherwise provided in QR(Army), he may allocate to his officers who are his immediate subordinates all matters of routine or of minor administration. He shall retain for himself:

- (a) matters of general organization and policy;
- (b) important matters requiring his personal attention and decision; and
- (c) the general control and supervision of the various duties he has allocated to others.

(C)

4.21—STANDING ORDERS

(1) A commanding officer shall issue standing orders which shall include orders that are peculiar to his station or unit.

(2) An officer in temporary command of a station or unit shall not issue standing orders, nor alter those already in force, without reference to the officer in permanent command or to superior authority.

(3) A commanding officer when he is away from his station or unit shall not issue standing orders.

(C)

4.22—RULES FOR DEFAULTERS

A commanding officer shall ensure that a set of rules for defaulters is drawn up for his station or unit, that such rules are made known to all defaulters, and that they are rigidly enforced.

(C)

4.23—UNIT ORDERS

(1) A commanding officer shall issue unit orders as required for the promulgation of information to and direction to all officers and men under his command.

(2) The form of unit orders shall be as the Chief of the General Staff may prescribe.

(3) Unit orders shall, by numerical reference, direct attention to any articles of QR(Army) which are reproduced periodically in army orders.

(M)

4.24—FORM OF UNIT ORDERS

(1) In the absence of the commanding officer, unit orders shall be issued by the officer assuming temporary command. The headnote of unit orders shall indicate the officer by whom they have been issued.

(2) An officer or man shall normally be warned of all duties other than ordinary routine duties in unit orders.

4.24—FORM OF UNIT ORDERS (Cont'd)

(3) Unit orders shall be numbered consecutively commencing with the first day of January of each year.

(4) Unit orders shall be:

- (a) posted in suitable places on the station or unit so that they may be available to officers and men; and
- (b) sent to command headquarters and to Army Headquarters as the Chief of the General Staff may direct.

(C)

4.25—DUTY ROSTERS

(1) A commanding officer shall keep rosters for any special duties that officers or men may be called upon to perform in addition to their ordinary duties. Special duties shall normally be classified on the duty roster under the following headings:

- (a) field officer of the day;
- (b) orderly officer;
- (c) courts martial;
- (d) boards of inquiry, investigating officer and boards of officers;
- (e) orderly sergeant;
- (f) orderly corporal;
- (g) guards and pickets; and
- (h) such other duties as the commanding officer may consider necessary having regard to the special circumstances existing at his station or unit.

(2) An officer or man detailed for a special duty shall attend parades and perform such other of his ordinary duties as do not interfere with the special duty. He may in addition be detailed for such other special duty as he can perform consistently with the proper discharge of the first special duty.

(3) The attendance of an officer as a member of a court martial shall count as a tour of duty if the court has been assembled and sworn, even though the court may be dissolved without proceeding to trial. Being detailed as an alternate shall not count as a tour of duty. (9 Aug 55)

(4) A colonel shall not be placed on any duty roster, but he may have special duties assigned to him.

(5) A lieutenant-colonel shall not be placed on any duty roster, except where there is a shortage of other field officers available for the special duties.

(6) Every major shall be placed on the field officer's roster, except in special circumstances at the discretion of the commanding officer.

(7) Captains may be placed on the field officer's roster where there is a shortage of majors.

(8) The tours of duty of the field officer, orderly officer, orderly sergeant, and orderly corporal, and the duties they are called upon to perform, shall be as prescribed in standing orders.

(9) An officer or man detailed for special duty shall not hand over his duty to another officer or man without first obtaining permission from the authority by whom he was detailed or until he is properly relieved at the expiration of his tour of duty.

(C)

4.26—CIRCULATION OF REGULATIONS, ORDERS, INSTRUCTIONS, CORRESPONDENCE, AND PUBLICATIONS

A commanding officer shall ensure that all regulations, orders, instructions, correspondence, and publications affecting officers or men, whether in the performance of their duties or in the conditions of their service, are given such publicity as will enable the officers and men to study them and become acquainted with the contents. Orders relating to any matters requiring special explanation shall be read and explained to men immediately they are received.

(C)

4.27—OBSERVANCE OF SPECIAL DAYS

A commanding officer shall ensure that inspections of works and buildings, and parades, other than for religious services, are not held on Sunday, Good Friday, or Christmas Day, unless the exigencies of the service so require.

(C)

4.28—UNOFFICIAL SERVICE PUBLICATIONS

A commanding officer shall ensure that a high standard is maintained in unofficial service journals, magazines, newspapers, and programs published by or under the auspices of his station or unit and shall be held responsible for all material published in them. One copy of each publication shall be forwarded to Army Headquarters on the day of issue.

(C)

(4.29: NOT ALLOCATED)**4.30—ARMED PARTIES ON UNUSUAL DUTIES**

A commanding officer shall personally ensure that the officer or man in charge of an armed party called out from his station or unit for the performance of any unusual duty is fully instructed in all particulars that concern the duty the party may be required to perform.

(C)

4.31—PREVENTION OF OFFENCES

(1) A commanding officer shall exert every effort to prevent offences and to suppress any tendency to screen their existence.

(2) If any type of offence is particularly prevalent at a station or unit the commanding officer shall ensure that notice of the fact is drawn to the attention of officers and men under his command by a suitable entry in unit orders. The entry shall be repeated periodically if necessary.

(C)

(4.32 TO 4.60 INCLUSIVE: RESERVED — NAVY)**(4.61 TO 4.99 INCLUSIVE: NOT ALLOCATED)**

CHAPTER 5
(RESERVED—NAVY)

CHAPTER 6 ENROLMENT AND RE-ENGAGEMENT

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

6.01—QUALIFICATIONS FOR ENROLMENT

- (1) A person to be eligible for enrolment in the army as an officer or man shall:
- (a) be a Canadian citizen or other British subject, except that the Chief of the General Staff or such officer as he may designate may authorize the enrolment of a citizen of another country if he is satisfied that the national interest would not be prejudiced thereby; *(1 Aug 52)*
 - (b) be of good character;
 - (c) have reached his seventeenth birthday or such higher age as the Chief of the General Staff may prescribe, except that
 - (i) an applicant may be accepted for enrolment as an officer cadet prior to his seventeenth birthday, and
 - (ii) an applicant may be accepted for enrolment in the Reserves upon reaching his sixteenth birthday, and *(1 Aug 52)*
 - (iii) an applicant may be accepted for enrolment as a soldier apprentice in the Canadian Army (Regular) upon reaching his sixteenth birthday, provided that no soldier apprentice under the age of seventeen shall be
 - (A) enrolled during an emergency, or
 - (B) subject to overseas service; *(5 Jul 55)*
 - (d) if he is under the age of eighteen years, have obtained the consent of one of his parents or of his guardian; and
 - (e) meet such other conditions as the Chief of the General Staff may prescribe.
- (2) The following persons shall not be enrolled in the army:
- (a) a member of any other of Her Majesty's Forces, or of the Royal Canadian Mounted Police; or
 - (b) unless special authority is obtained from the Chief of the General Staff, a person who has been released from any of Her Majesty's Forces, from the Royal Canadian Mounted Police, or from any foreign force
 - (i) as medically unfit for further service, or
 - (ii) for inefficiency, or
 - (iii) with a conduct assessment below "fair" or the equivalent.
- (3) Except during an emergency, a person upon whom a punishment of dismissal with disgrace from Her Majesty's service has been carried out and not subsequently set aside shall not be enrolled in the army. Other persons who have been released for misconduct from any of Her Majesty's Forces, from the Royal Canadian Mounted Police, or from any foreign force shall not be enrolled in the army unless special authority is obtained from the Chief of the General Staff.

(M) *(15 Oct 51)*

6.02—ACTION PRIOR TO ENROLMENT OF PERSONS WITH FORMER SERVICE

When a person who has previously served in any of Her Majesty's Forces, in the Royal Canadian Mounted Police, or in any foreign force, applies for enrolment in the army he shall be required:

- (a) to state the particulars of his former service;
- (b) to state the cause of his release; and
- (c) to produce his release papers.

(C)

6.03—EXPLANATION OF CODE OF SERVICE DISCIPLINE

Officers enrolling persons in the army shall inform them of their liability to the Code of Service Discipline.

(C)

6.04—OATH TAKEN ON ENROLMENT

(1) Except as provided in (2) of this article, an officer or man on enrolment shall take the following oath or solemn affirmation:

"I,..... (full name), do swear (or for a solemn affirmation, "solemnly affirm") that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, Her heirs and successors according to law. So help me God."

The words "So help me God" shall be omitted if a solemn affirmation is taken.

(2) The oath or solemn affirmation prescribed in (1) of this article shall not be required of an officer or man who is a citizen of a foreign country, when by taking the oath or solemn affirmation the applicant would according to the laws of his own country forfeit his citizenship, but he shall be required to take the following oath or solemn affirmation:

"I,..... (full name), do swear (or for a solemn affirmation, "solemnly affirm") that I will well and truly serve Her Majesty, Queen Elizabeth the Second, Her heirs and successors according to law, in the Canadian Army until lawfully released, that I will resist Her Majesty's enemies and cause Her Majesty's peace to be kept and maintained and that I will, in all matters pertaining to my service, faithfully discharge my duty. So help me God."

The words "So help me God" shall be omitted if a solemn affirmation is taken.

(3) The oath or solemn affirmation prescribed in this article shall be taken before:

- (a) a commissioned officer; or
- (b) a justice of the peace.

(M)

(14 Oct 52)

(6.05 TO 6.10 INCLUSIVE: NOT ALLOCATED)**Section 2—Officers****6.11—RANK ON ENROLMENT—OFFICERS**

(1) A person enrolled as a commissioned officer shall be enrolled in the rank of 2nd lieutenant.

(2) A person enrolled as a subordinate officer shall be enrolled in the rank of officer cadet.

(M)

(1 Nov 51)

6.12—DURATION OF SERVICE

(1) An enrolment as an officer in the Canadian Army (Regular) shall be at Her Majesty's pleasure for service for:

- (a) an indefinite period of time; or
- (b) such fixed period not exceeding nine years as the Chief of the General Staff may prescribe.

(21 Jul 55)

6.12—DURATION OF SERVICE (Cont'd)

(2) An enrolment as an officer in the Reserves shall be at Her Majesty's pleasure for service for an indefinite period of time.

(3) An enrolment as an officer in the Active Service Force shall be at Her Majesty's pleasure for service for the duration of:

- (a) an emergency; and
- (b) any period when he is on active service;

and for one year thereafter, if the officer's services are so long required.

(4) During an emergency or when he is on active service, the term of service of an officer enrolled for a fixed period is subject to extension under section thirty-one of *The National Defence Act*.

(G)

(6.13 TO 6.20 INCLUSIVE: NOT ALLOCATED)**Section 3—Men****6.21—RANK ON ENROLMENT—MEN**

A person enrolled as a man shall be enrolled in the rank of private or equivalent rank.
(M)

6.22—TERM OF SERVICE

(1) The term of service of a man upon enrolment or re-engagement shall be:

- (a) in the Canadian Army (Regular), for continuing full-time service for a term of one, two, three, four, five, six or seven consecutive years as the Chief of the General Staff may direct; or
- (b) in the Reserves, for a term of one, two, three, four, five, six or seven consecutive years as the Chief of the General Staff may direct; or
- (c) in the Active Service Force, for continuing full-time service for the duration of an emergency and any period when he is on active service.

(2) During an emergency or when he is on active service the term of service of a man is subject to extension under section thirty-one of *The National Defence Act*.

(3) When a man re-engages prior to the expiration of his current term of service, the re-engagement shall be binding only if the sum of the term of service for which he re-engages and the unexpired portion of his current term of service does not exceed nine years.

(16 Aug 55)

(G)

(30 Jun 52)

6.23—CONDITIONS OF RE-ENGAGEMENT

(1) A commanding officer may authorize the re-engagement of a man who is medically fit in accordance with the standards prescribed by the Chief of the General Staff.

(2) No man who is not medically fit shall be re-engaged unless his re-engagement is specially authorized by the Chief of the General Staff.

(3) A man on re-engagement for a further term of service shall:

- (a) complete the prescribed re-engagement papers; and
- (b) not be required to repeat the oath or solemn affirmation prescribed in article 6.04 (Oath Taken on Enrolment), but shall continue to serve on his original oath or solemn affirmation.

(1 Jan 53)

(M)

(6.24 TO 6.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 7
(RESERVED—NAVY)

CHAPTER 8
(NOT ALLOCATED)

CHAPTER 9
(RESERVED—NAVY)

TRANSFER AND DUTY OUTSIDE THE ARMY

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—Transfer

10.01—COMPULSORY TRANSFER BETWEEN SERVICES

- (1) Section 32 of *The National Defence Act* provides in part:

“32. (3) An officer or man on active service may for the period of such service, be transferred from the component of the Service of the Canadian Forces in which he has been enrolled to the same component of another Service of the Canadian Forces . . .”.

- (2) Section 26 of *The National Defence Act* provides in part:

“26. Subject to subsection (3) of section 32, no officer or man shall without his consent be transferred . . . from the Service of the Canadian Forces in which he has been enrolled to another Service of the Canadian Forces.”.

(C)

10.02—VOLUNTARY TRANSFER BETWEEN SERVICES

- (1) An officer or man may be transferred from the army to another Service of the Canadian Forces if:

- (a) he has applied for that transfer; and
- (b) the prior approval of the Chief of the General Staff and of the appropriate authority of the other Service concerned has been obtained.

- (2) A transfer effected under (1) of this article shall be subject to such conditions as may be prescribed by the Chief of the General Staff and the appropriate authority of the other Service concerned.

(M)

10.03—COMPULSORY TRANSFER BETWEEN COMPONENTS

- (1) Section 32 of *The National Defence Act* provides in part:

“32. (3) An officer or man on active service may for the period of such service, be transferred . . . from the reserve forces to the regular forces.”.

- (2) Section 26 of *The National Defence Act* provides in part:

“26. Subject to subsection (3) of section 32, no officer or man shall without his consent be transferred from the regular forces to the reserve forces or from the reserve forces to the regular forces . . .”.

(C)

10.04—VOLUNTARY TRANSFER TO RESERVES

- (1) An officer or man of the Canadian Army (Regular) or of the Active Service Force may, if he is eligible for release under one of the items of the table to article 15.01 (Reasons for Release), apply for transfer to the Reserves. No transfer shall be effected unless his application is approved by the authority having power to approve his release under the same circumstances.

10.04—VOLUNTARY TRANSFER TO RESERVES (Cont'd)

(2) A man transferred under the provisions of this article shall be attested in the same fashion as if he were a man of the Reserves being re-engaged for a further term of service. (*See article 6.23—"Conditions of Re-engagement".*)

(M)

10.05—VOLUNTARY TRANSFER FROM RESERVES TO CANADIAN ARMY (REGULAR)

(1) An officer or man of the Reserves may apply for transfer to the Canadian Army (Regular). To be successful he shall meet such conditions for transfer as are prescribed by the Chief of the General Staff.

(2) A man transferred under the provisions of this article shall be attested in the same fashion as if he were a man of the Canadian Army (Regular) being re-engaged for a further term of service. (*See article 6.23—"Conditions of Re-engagement".*)

(M)

10.06—TRANSFER BETWEEN SUB-COMPONENTS OF THE RESERVES

(1) An officer or man may be transferred from one sub-component of the Reserves to another sub-component of the Reserves:

- (a) with his consent, if the transfer will increase his obligations; or
- (b) compulsorily, if the transfer will not increase his obligations.

(2) A transfer under (1) of this article shall be made under such conditions as the Chief of the General Staff may prescribe.

(M)

(HQ 1733-10)

(3 Jul 58)

10.07—COMPULSORY TRANSFER BETWEEN CORPS

(1) The Chief of the General Staff or such officer as he may designate may order the transfer of an officer or man from one corps to another corps within the Canadian Army (Regular).
(28 May 54)

(2) An officer or man of the Canadian Army (Militia) may, when on active service, be transferred from one corps to another corps within the Canadian Army (Militia)

(3) An officer or man of the Active Service Force may be transferred from one corps to another corps within the Active Service Force.

(4) Except as prescribed in (1), (2) and (3) of this article, no officer or man shall be transferred between corps without his consent.

(M)

10.08—VOLUNTARY TRANSFERS BETWEEN CORPS

An officer or man may, at his request and with the approval of the Chief of the General Staff or such officer as he may designate, be transferred from one corps of a component to another corps of the same component.

(C) (24 Mar 53)

(10.09 AND 10.10: RESERVED — NAVY)**(10.11 TO 10.15 INCLUSIVE: NOT ALLOCATED)**

Section 2—Duty Outside the Army

10.16—POWER TO ATTACH OR SECOND

Subject to article 10.17, the Chief of the General Staff may attach or second an officer or man to:

- (a) any component of any other Service of the Canadian Forces; or
- (b) any of Her Majesty's Forces other than the Canadian Forces; or
- (c) any department or agency of the Government of Canada.

(M)

10.17—RESTRICTIONS ON ATTACHMENT AND SECONDMENT

(1) No officer or man shall be seconded unless:

- (a) the Chief of the General Staff is satisfied that on the termination of the proposed secondment the officer or man concerned will be acceptable for duty in the army; and
- (b) it appears probable that the period of secondment will be in excess of six months but not in excess of four years.

(2) Section twenty-eight of *The National Defence Act* provides in part:

"28. (3) No officer or man of the reserve forces who is not serving on active service shall without his consent be attached or seconded pursuant to this section." (*See article 10.16.*)

(M)

10.18—STATUS WHEN SECONDED OR ATTACHED

(1) Section twenty-eight of *The National Defence Act* provides in part:

"28. (1) An officer or man . . . attached or seconded . . . has like powers of command and punishment over officers and men of the component and Service of the Canadian Forces to which he is attached or seconded as if he were an officer or man of that component and Service of equivalent rank, relative to the rank he holds."

(2) An officer or man who is seconded or who is attached outside the army shall perform his duties as if he were a member of the force to which he is seconded or attached and shall obey orders of persons senior to him in rank, as if those persons were members of the army.

(M)

10.19—CONDITIONS OF SECONDMENT

An officer or man who is seconded shall not be carried against the maximum numbers of officers and men prescribed for his component of the army.

(G)

10.20—CONDITIONS OF ATTACHMENT

An officer or man attached outside the army shall be carried against the maximum numbers of officers and men prescribed for his component of the army.

(M)

10.21—LOAN

An officer or man may be loaned under an agreement between the Minister and the appropriate authority of another country or government, an agency, or a civilian body.

(M)

(10.22 TO 10.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 11

PROMOTION, REVERSION, AND COMPULSORY REMUSTERING

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—Promotion

11.01—AUTHORITY FOR PROMOTION

- (1) The promotion of an officer to the rank of colonel or to any higher rank shall require the approval of the Minister on the recommendation of the Chief of the General Staff.
 - (2) The promotion of an officer or man to any rank lower than that of colonel shall require the approval of the Chief of the General Staff or such officer as he may designate.
- (G) (10 May 52)

11.02—CONDITIONS GOVERNING PROMOTION

- (1) Subject to (2) of this article no officer or man shall be promoted to higher rank unless:
 - (a) there is an appropriate vacancy in the total establishment for his component;
 - (b) he is recommended by the appropriate authority; and
 - (c) he has passed such qualifying examinations and meets such other conditions as the Chief of the General Staff may prescribe.
 - (2) In any particular instance or in any given circumstances the Chief of the General Staff may direct that the qualification required as to the writing of qualifying examinations may be waived.
 - (3) An officer or man who is enrolled or placed in the Active Service Force shall be promoted to temporary or acting rank only and shall not be promoted to substantive rank.
- (M) (24 Dec 51)

(11.03 TO 11.09 INCLUSIVE: NOT ALLOCATED)

Section 2—Reversion and Compulsory Remustering

11.10—REVERSION AND REMUSTERING FOR INEFFICIENCY

- (1) For the purposes of this article, “competent authority” means:
- (a) the Chief of the General Staff, or such officer as he may designate; or
 - (b) the officer commanding the command with respect to a man within his command; or
 - (c) when any part of the army is on active service by reason of an emergency, the officer-commanding-in-chief in the field, or such officer of any Service of the Canadian Forces, not below the rank of brigadier or equivalent rank, as he may designate.
- (2) Subject to (5) and (6) of this article, and to such conditions as may be prescribed by the Chief of the General Staff the competent authority may: (7 Nov 55)
- (a) revert a man to a lower rank for inefficiency; and
 - (b) with or without reversion, remuster a man to any trade or group for inefficiency.
- (3) A man who has been promoted to acting rank below that of warrant officer may be reverted for inefficiency to his substantive or temporary rank, whichever is the higher or to any intermediate rank by order of his commanding officer.
- (4) A man who has been upgraded on the certification of his commanding officer may be remustered to any trade or group for inefficiency by order of his commanding officer. (7 Nov 55)
- (5) All action under (2) of this article shall be originated by the man’s commanding officer who shall report the facts to a competent authority. Before reverting or remustering a man of the rank of sergeant or above, the competent authority may cause him to be examined by a committee of officers, one member of which shall, if practical, be an appropriate specialist. When a committee of officers reports on a man the competent authority may revert and remuster the man in accordance with (2) of this article. (8 Mar 56)
- (6) When a competent authority authorizes the reversion for inefficiency of a man, the man shall only be reverted:
- (a) if he holds substantive rank only, one rank at any one time; or
 - (b) if he holds acting rank, to his substantive or temporary rank whichever is the higher or to any intermediate acting rank.
- (7) When a reversion for inefficiency of a man is to the rank of private or equivalent rank, the man shall be reverted to the highest classification in that rank.
- (8) Any order made under (2), (3) or (4) of this article shall state that the reversion or remustering is for inefficiency. (7 Nov 55)
- (M)

11.11—REVERSION AND REMUSTERING UPON CONVICTION BY THE CIVIL POWER

(1) Subject to (2) and (3) of this article, as a result of his conviction by the civil power, a man may be reverted for misconduct by:

- (a) the Chief of the General Staff; or
- (b) when any part of the army is on active service by reason of an emergency, the officer-commanding-in-chief in the field or such officer of any Service of the Canadian Forces, not below the rank of brigadier or equivalent rank, as he may designate.

(2) No man shall be reverted under (1) of this article unless the nature of the offence of which he has been convicted clearly indicates that he is not fit to hold and exercise the authority of his rank.

(3) When a man is reverted under (1) of this article, he shall not be reverted below the highest classification in the rank of private or equivalent rank, or below such higher rank as may be prescribed by the Chief of the General Staff.

(4) No man shall be reverted administratively for misconduct other than under the provisions of this article. (*For reduction in rank as part of or necessarily consequent upon the sentence of a service tribunal see Chapter 104—Punishments and Sentences.*)

(5) Any order for reversion made under this article shall state that the reversion is a result of a conviction by the civil power.

(6) When a man is, under the provisions of this article, reverted to a rank for which his existing group in his trade is not authorized, he shall be remustered to the highest group in his trade which is permissible in the rank to which he is reverted. No other compulsory remustering shall be effected as a result of a conviction by the civil power.

(7) Any order for remustering made under (6) of this article shall state that the remustering is necessarily consequent upon an order for reversion under this article.

(M)

11.115—ADMINISTRATIVE REMUSTERING CONSEQUENT UPON REDUCTION BY SERVICE TRIBUNAL

(1) When, by sentence of a service tribunal, a man has been reduced to a rank for which his existing group in his trade is not authorized, he shall be remustered to the highest group in his trade which is permissible in the rank to which he is reduced.

(2) Any order for remustering under (1) of this article shall state that the remustering is necessarily consequent upon a sentence of reduction by a service tribunal.

(M)

11.12—RELINQUISHMENT OF RANK

(1) An officer or man shall be ordered by his commanding officer to relinquish an acting rank and revert to his substantive or temporary rank, whichever is the higher, or to any intermediate acting rank, when the officer or man no longer holds the position for which his acting rank was authorized.

(2) An officer or man may apply for permission to relinquish any rank held by him and to revert to a lower rank. Permission may be granted:

11.12—RELINQUISHMENT OF RANK (Cont'd)

- (a) by the Minister, if the applicant is an officer of the rank of colonel or higher; or
 - (b) by the Chief of the General Staff, if the applicant is an officer below the rank of colonel or is a man.
- (3) An officer or man of the Reserves who applies for transfer:
- (a) between sub-components of the Reserves; or
 - (b) between units of the same sub-component of the Reserves; or
 - (c) to the Active Force;

may, with the approval of the officer authorizing his transfer, relinquish any rank held by him and revert to a lower rank when the conditions under which he may transfer preclude his acceptance in the rank which he holds.

(M)

(1 Aug 52)

11.13—COMPULSORY REMUSTERING OF MEN

The Chief of the General Staff, or such officer as he may designate, may compulsorily remuster a man to any trade or group on such grounds as the Chief of the General Staff may prescribe:

- (a) when the man is on active service;
- (b) while the man is undergoing a course of training or instruction in a trade; and
- (c) at any other time when the exigencies of the service so require.

(M)

(11.14 TO 11.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 12
(RESERVED—NAVY)

CHAPTER 13
(NOT ALLOCATED)

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CHAPTER 14
(RESERVED—NAVY)

CHAPTER 15

RELEASE

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

15.01—REASONS FOR RELEASE

- (1) When the service of an officer or man is terminated by death, appropriate action shall be taken to record his release for that reason.
- (2) Except as provided in (3) of this article, an officer or man may be released, during his service, only for the reasons and under the conditions prescribed in the table to this article.
- (3) Notwithstanding anything contained in the table to this article, the Chief of the General Staff or such officer as he may designate, shall be the approving authority for the release of a subordinate officer.

TABLE TO ARTICLE 15.01

See next page.

TABLE TO ARTICLE 15.01

Item	Reasons for Release	Cases in which Applicable	To whom Applicable	Approval Required Officers Men	Notation on Certificate of Service	Special Instructions
1	MISCONDUCT					
		(a) Having been sentenced to Dismissal with Disgrace from Her Majesty's service	Officers and Men	Promulgation and approval of sentence	"Dismissed with disgrace"	
		(b) Having been sentenced to Dismissal from Her Majesty's service	Officers and Men	Promulgation and approval of sentence	"Dismissed for misconduct"	
		(c) Service Misconduct	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Misconduct"	
		(d) Having been convicted by the Civil Power during service	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Misconduct"	
		(e) Illegally absent and not claimed for further service	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Misconduct"	
		(f) Having made a false statement, other than as to age only, with a fraudulent purpose at the time of enrolment	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Misconduct"	See article 15.32 — Release for Fraudulent Enrolment.
		(g) Having failed to settle his private debts	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Misconduct"	See article 19.07 — Private Debts.

TABLE TO ARTICLE 15.01 (Cont'd)

Item	Reasons for Release	Cases in which Applicable	To whom Applicable	Approval Required Officers Men	Notation on Certificate of Service	Special Instructions
2	INEFFICIENCY	(a) Through continued lack of application or interest (b) Through continued unsatisfactory service (c) Unsatisfactory Conduct	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Service terminated"	See article 15.21 — Notice of Intended Release.
3	MEDICALLY UNFIT	On medical grounds, being disabled or incapable of performing his duties as a member of the forces	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Honourably released"	See article 15.05 — Retention of Personnel Eligible for Release on Medical Grounds and article 15.06 — Release as Medically Unfit.
4	VOLUNTARY RETIREMENT	(a) To take up civil employment (b) For entry into another service	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate Governor General Chief of the General Staff or such officer as he may designate	"Honourably released" "Honourably released"	See article 15.18 — Voluntary Release—Officers—when dealing with an application made under this item by an officer. Applies only when civil employment is with another Government agency, or is beneficial to the army or otherwise in the national interest. Not applicable when release is for entry into another Service of the Canadian Forces. (See article 10.02 — Voluntary Transfer between Services.)

TABLE TO ARTICLE 15.01 (Cont'd)

Item	Reasons for Release	Cases in which Applicable	To whom Applicable	Approval Required Officers Men	Notation on Certificate of Service	Special Instructions
4	VOLUNTARY RETIREMEN (Cont'd)	(c) When time served will normally entitle applicant to pension under <i>The Defence Services Pension Continuation Act</i> .	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Honourably released"	Applies to a member of the forces who is governed by <i>The Defence Services Pension Continuation Act</i> when: (a) he is an officer with not less than 25 years' service although he has not reached the compulsory release age for his rank, (see article 15.17 — Compulsory Release Ages — Officers); or (b) he is a man with not less than 20 years' pensionable service.
	(d) On request		Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Honourably released"	Applies to officer cadets under certain circumstances (see article 15.02 — Release as of Right.) Otherwise applies only in cases not within (a) or (b) of this item and then only in exceptional circumstances when the applicant has a good and substantial reason for seeking release and if the exigencies of the service permit. Release on request shall be subject to the conditions of article 15.18.

TABLE TO ARTICLE 15.01 (Cont'd)

Item	Reasons for Release	Cases in which Applicable	To whom Applicable	Approval Required Officers Men	Notation on Certificate of Service	Special Instructions
4	VOLUNTARY RETIREMENT (Cont'd)	(e) By purchase	Men of the Canadian Army (Regular)	Chief of the General Staff or such officer as he may designate	"Honourably released"	See article 15.33—Release by Purchase.
		(f) On compassionate grounds	Men	Chief of the General Staff or such officer as he may designate	"Honourably released"	Applicant must give a good and substantial reason for seeking compassionate release and the exigencies of the service must permit.
		(g) On completion of engagement where a man does not accept an offer of further service	Men	Chief of the General Staff or such officer as he may designate	"Honourably released"	
5	COMPULSORY RETIREMENT TO PROMOTE ECONOMY OR EFFICIENCY	(a) To promote economy on reduction of authorized strength	Officers and Men	Governor General	"Honourably released"	In the case of men the approving authority will receive instructions from Army Headquarters.
		(b) To promote service efficiency in any of the following cases (i) having reached compulsory release age	Officers and Men	Governor General	"Honourably released"	See article 15.17—Compulsory Release Ages — Officers, and article 15.31 — Compulsory Release Ages — Men.
		(ii) being considered unsuitable for reasons other than misconduct, inefficiency, or medical unfitness	Officers and Men	Governor General	"Honourably released"	See article 15.21 — Notice of Intended Release.
		(iii) when the officer or man is not advantageously employable in his present rank	Officers and Men	Governor General	"Honourably released"	See article 15.21 — Notice of intended Release.

TABLE TO ARTICLE 15.01 (Cont'd)

Item	Reasons for Release	Cases in which Applicable	To whom Applicable	Approval Required Officers Men	Notation on Certificate of Service	Special Instructions
5	COMPULSORY RETIREMENT ETC. (Cont'd)					
		(iv) when retention in the Reserve of an officer or man is not practical or not desirable	Officers and Men	Governor General Chief of the General Staff or such officer as he may designate	"Honourably released"	Applies only to officers and men of the Reserves.
		(v) when the retention of a subordinate officer is not practical or not desirable	Subordinate Officers	Chief of the General Staff or such officer as he may designate Governor General	"Honourably released"	
		(vi) on completion, or during the final year of a fixed period of service	Officers		"Honourably released"	See article 6.12 — Duration of Service.
		(vii) on completion of an engagement where a man is not offered further service	Men	Chief of the General Staff or such officer as he may designate	"Honourably released"	
		(viii) having been enrolled irregularly	Officers and Men	Chief of the General Staff or such officer as he may designate Governor General	"Honourably released"	
		(ix) on completion of an engagement of a warrant officer with over 20 years' satisfactory service	Warrant Officers	Chief of the General Staff or such officer as he may designate	"Honourably released"	Applies only to warrant officers of the CA(R) to whom the DSPCA applies. (24 Jul 61)
		(x) having completed the period for which he is required	Officers and Men	Chief of the General Staff or such officer as he may designate Governor General	"Honourably released"	
		(c) On demobilization	Officers and Men	Chief of the General Staff or such officer as he may designate Governor General	"Honourably released"	Applies to officers and men who enrol in the army during a period of active service and who do not subsequently become enrolled for service in the Canadian Army (Regular) or the Reserves.

(7 Aug 58)

(HQ 1733-15)

(G) (PC 1958-8/1090 of 7 Aug 58)

15.02—RELEASE AS OF RIGHT

(1) Section 31 of *The National Defence Act* provides in part:

“31. (1) Except during an emergency or when he is on active service, an officer or man is entitled to be released at the expiration of the term of service for which he is enrolled or re-engaged”.

(2) Unless the Chief of the General Staff otherwise directs, any period of absence without leave, or desertion, shall not be reckoned towards the completion of the term of service for which an officer or man was enrolled or re-engaged. (17 Nov 52)

(3) Subject to (1) of this article, no officer or man may claim his release as of right except:

(a) an officer not on active service by reason of an emergency

(i) under item 4(d) (on request) of the table to article 15.01 if he is an officer cadet who requests his voluntary retirement where he will otherwise be reverted to the rank from which he was promoted to officer cadet, or

(ii) under item 4(c) (when time served will normally entitle applicant to pension under the *Defence Services Pension Continuation Act*) of the table to article 15.01 if he is an officer governed by the provisions of the *Defence Services Pension Continuation Act*; or (24 Jul 61)

(b) a man not on active service by reason of an emergency

(i) under item 4(c) of the table to article 15.01, or

(ii) under item 4(e) (by purchase) of the table to article 15.01 while serving on an engagement or re-engagement which commenced prior to 1st April, 1948.

(G)

15.03—EFFECTIVE DATE OF RELEASE

The effective date of release shall:

(a) in the case of a punishment awarded by a court martial of dismissal with disgrace from Her Majesty's service or dismissal from Her Majesty's service, be as soon as practicable after approval of the punishment; and

(b) in all other cases

(i) be set by the approving authority, or

(ii) if no date has been set by the approving authority, be as soon as practicable after release is approved.

(M)

15.04—PLACE OF RELEASE

(1) Except as prescribed in (2), (3) and (4) of this article, an officer or man shall be released in Canada. (30 Jan 57)

(2) An officer or man who is serving outside of Canada at the time his release is approved may, if he so requests, be released at the place where he is serving if prior approval is obtained from the Chief of the General Staff.

(3) The provisions of (1) of this article shall not apply to an officer or man who is released as a consequence of imprisonment beyond Canada following conviction by the civil power.

(4) The Minister may direct that an officer or man who:

(a) is not a Canadian citizen;

(b) has not been granted an immigrant visa issued by a Canadian Immigration Officer; and

(c) is serving outside Canada at the time his release is approved;

shall be released at a place outside Canada. (30 Jan 57)

(M)

15.05—RETENTION OF PERSONNEL ELIGIBLE FOR RELEASE ON MEDICAL GROUNDS

An officer or man of the Canadian Army (Regular) who is suffering from a disease or injury which necessitates his release as medically unfit may, at the discretion of the Chief of the General Staff or the officer commanding the command be retained for prolonged treatment, institutional care or medical observation for a further period of not more than six months, at the end of which time he shall be released unless otherwise directed by the Minister.

(G)

(22 Aug 52)

15.06—RELEASE AS MEDICALLY UNFIT

When an officer or man is to be released as medically unfit, he shall if he requires treatment or institutional care be referred to the Department of Veterans Affairs and, subject to article 15.05, his release shall be completed as soon as possible after that reference.

(M)

15.07—RELEASE OF FEMALES ON MARRIAGE

A female person enrolled in the army shall, if she marries, be released under item 5(b)(ii) (being considered unsuitable for reasons other than misconduct, inefficiency, or medical unfitness) of the table to article 15.01 (Reasons for Release) unless, in the opinion of the Chief of the General Staff, her continued employment is in the best interests of the service.

(G)

(8 Feb 52)

15.08—REPORTING OF CLAIMS

(1) When forwarding an application for the release of an officer or man, the commanding officer shall report any outstanding or potential public, or institute claim against the officer or man and shall furnish proof of that claim.

(2) When release has been approved the commanding officer shall report to Army Headquarters any claim described in (1) of this article which will not be liquidated on or before the proposed date of release.

(C)

(15.09 TO 15.16 INCLUSIVE: NOT ALLOCATED)

Section 2—Officers**15.17—COMPULSORY RELEASE AGES—OFFICERS**

(1) Subject to (2), (3), (5) and (6) of this article, an officer of the Canadian Army (Regular) shall be released on reaching the age limit prescribed for his substantive rank in the table to this article.

(2) Medical officers and dental officers who served on active service in any of Her Majesty's armed forces during the second world war and who were subsequently enrolled in the Canadian Army (Regular) shall not be subject to (1) of this article until the expiration of ten years' service subsequent to 1st October, 1946.

(3) An officer of the Canadian Army (Regular) who is a chaplain in the Royal Canadian Army Chaplain Corps shall not be subject to release by reason only of his age until he has reached the age of fifty-five years.

15.17—COMPULSORY RELEASE AGES—OFFICERS (Cont'd)

(4) Subject to (5) of this article, an officer of the Reserves shall be released on reaching the age limit prescribed by the Chief of the General Staff.

(5) In exceptional circumstances, the retention of an officer beyond the compulsory release age prescribed for his rank, may be authorized:

(a) by the Minister; or

(b) if the officer is below the rank of colonel, by the Chief of the General Staff.

(15 May 52)

(6) When any part of the army is on active service by reason of an emergency, the compulsory release ages for officers of all components shall be such as the Minister may prescribe.

(G)

TABLE TO ARTICLE 15.17

<i>Rank</i>	<i>Age</i>
Brigadier and above	55
Colonel	53
Lieutenant-Colonel	51
Major	49
Captain	47
Lieutenant	45

(G)

15.18—VOLUNTARY RELEASE—OFFICERS

(1) Every application by an officer for release under Item 4 (Voluntary Release) of the table to article 15.01 (Reasons for Release) shall be made in writing through the commanding officer who shall add his recommendations when forwarding the application to Army Headquarters.

(2) When a commanding officer recommends such release, he shall certify that his recommendation is not made for the purpose of allowing the applicant to avoid the consequences of his inefficiency, unsuitability or misconduct.

(3) The Chief of the General Staff may prescribe those courses of more than six months duration in respect of which an officer who has attended on duty shall not be released on his request, under Item 4 of the table to article 15.01, unless he has served the minimum period as determined by the Chief of the General Staff. Such period will not be of less than three years duration.

(4) Where, in the opinion of the Chief of the General Staff, special and unforeseen circumstances require that an officer apply for his release prior to the completion of the minimum period of service determined pursuant to (3) of this article, his release may be approved but only if he refunds the portion of the cost incurred by the public for his attendance determined under (5) of this article.

(5) Where, under (4) of this article, a portion of the cost incurred by the public is to be reimbursed, such portion shall be assessed on the following basis:

(a) the total cost incurred by the public in providing the course, if the release occurs within three years of the commencement of the required minimum period of service; or

(b) that part of the cost incurred by the public that is equivalent in ratio of the number of years still to be served (part of a year being reckoned as a full year), to the total number of years of the minimum period of service, if the release occurs within such required minimum period of service but more than three years after commencement of such period.

15.18—VOLUNTARY RELEASE—OFFICERS (Cont'd)

- (6) The cost incurred by the public on which reimbursement shall be based shall be:
- (a) the amount paid by the Crown either directly to the institution providing the instruction or by reimbursement of the officer concerned for fees or any other costs arising out of or attributable to his attendance under instruction, provided that in the case of an officer attending a Canadian Services College the amount shall be the fees and expenses as prescribed in the "Regulations for the Canadian Services Colleges"; and
 - (b) except for any period during which the officer performed normal army duties, pay and allowances including the applicable rate of subsistence allowance for his rank and status, whether in issue or not, for the period for which he attended the course, but not including
 - (i) transportation and travelling expenses provided to send him and his dependants, furniture and effects to or from the course,
 - (ii) any assisted leave transportation benefits extended to him, or
 - (iii) income tax deductions applicable to that period.
- (7) Notwithstanding the provisions of this article, the Minister may authorize a reduction in the portion to be refunded by the officer to such reasonable part of the cost incurred by the public as he may consider appropriate, having due regard to the special and unforeseen circumstances.

(G) (PC 1960-12/1656 of 8 Dec 60) (HQ 1733-15)

(8 Dec 60)

(15.19: NOT ALLOCATED)**15.20—RETIRED LIST**

- (1) A list designated as the "Retired List" shall be maintained at Army Headquarters.
- (2) On release, an officer who has completed ten or more years of service in the army may have his name entered on the Retired List if he was an officer of:
- (a) the Canadian Army (Regular) and is entitled to a pension or annuity or gratuity or cash termination allowance under the *Defence Services Pension Continuation Act* or the *Canadian Forces Superannuation Act* with the approval of the Chief of the General Staff; or
 - (b) the Reserves, with the approval of the
 - (i) area commander for an officer of a rank not above major, or
 - (ii) officer commanding the command for an officer of a rank not above lieutenant-colonel, or
 - (iii) Chief of the General Staff.
- (3) The name of a former officer entered on the Retired List shall be carried throughout his lifetime except that it may be removed because of his misconduct.
- (4) The rank shown against the name of an officer on the retired list shall be the substantive or temporary rank held by him on the date of his release.
- (5) A former officer whose name is entered on the Retired List shall have the privilege of using the title of his rank and shall include the word "(Retired)" immediately after his name.

(M)

15.17—COMPULSORY RELEASE AGES—OFFICERS (Cont'd)

(4) Subject to (5) of this article, an officer of the Reserves shall be released on reaching the age limit prescribed by the Chief of the General Staff.

(5) In exceptional circumstances, the retention of an officer beyond the compulsory release age prescribed for his rank, may be authorized:

(a) by the Minister; or

(b) if the officer is below the rank of colonel, by the Chief of the General Staff.

(15 May 52)

(6) When any part of the army is on active service by reason of an emergency, the compulsory release ages for officers of all components shall be such as the Minister may prescribe.

(G)

TABLE TO ARTICLE 15.17

<i>Rank</i>	<i>Age</i>
Brigadier and above	55
Colonel	53
Lieutenant-Colonel	51
Major	49
Captain	47
Lieutenant	45

(G)

15.18—APPLICATION FOR RELEASE

(1) Subject to (2) of this article, an officer may at any time apply to be released under item 4 (Voluntary Retirement) of the table to article 15.01 (Reasons for Release).

(2) An officer who attends at public expense, a civilian university, school, or college for a course of instruction which is of more than six months' duration, shall, prior to attending the course, sign an honourable undertaking not to apply for release for a period of five years after completion of the course unless special and unforeseen circumstances make his application essential.

(3) If an officer applies for release before the expiration of an undertaking described in (2) of this article, his release shall not be approved unless he refunds such portion of the cost of his attendance at the course as the Minister may determine.

(4) Every application made under (1) of this article shall be made in writing through the commanding officer, who when forwarding the application to Army Headquarters shall add his recommendations.

(5) When the commanding officer recommends that the application be approved, he shall certify that his recommendation is not made for the purpose of allowing the applicant to avoid the consequences of his inefficiency, unsuitability, or misconduct.

(G)

(15.19: NOT ALLOCATED)

15.20—RETIRED LIST

(1) A list designated as the "Retired List" shall be maintained at Army Headquarters.
 (2) On release, an officer who has completed ten or more years of service in the army may have his name entered on the Retired List if he is an officer of:

- (a) the Canadian Army (Regular) who is released to pension or awarded a gratuity under the *Defence Services Pension Act*, with the approval of the Chief of the General Staff; or
- (b) the Reserves, with the approval of the
 - (i) area commander for an officer of a rank not above major, or
 - (ii) officer commanding the command for an officer of a rank not above lieutenant-colonel, or
 - (iii) Chief of the General Staff. (5 Dec 58)

(3) The name of a former officer entered on the Retired List shall be carried throughout his lifetime except that it may be removed because of his misconduct.

(4) The rank shown against the name of an officer on the retired list shall be the substantive or temporary rank held by him on the date of his release. (10 Oct 56)

(5) A former officer whose name is entered on the Retired List shall have the privilege of using the title of his rank and shall include the word "(Retired)" immediately after his name.

(M)

15.21—NOTICE OF INTENDED RELEASE

(1) When it is proposed to recommend the release of an officer other than an officer cadet under: (22 Oct 53)

- (a) item 1(c) (service misconduct), 1(d) (having been convicted by the civil power during service), 1(f) (having made a false statement, other than as to age only, with a fraudulent purpose at the time of enrolment), or 1(g) (having failed to settle his private debts); or (17 Dec 51)
- (b) item 2 (inefficiency); or
- (c) item 5(b)(ii) (being considered unsuitable for reasons other than misconduct, inefficiency, or medical unfitness) or 5(b)(iii) (not advantageously employable in his present rank);

of the table to article 15.01 (Reasons for Release), the commanding officer shall furnish the officer concerned with a written statement of the reasons for the proposed recommendation. He shall require the officer to reply in writing within fourteen days stating either the officer's objections to the proposed recommendation or that he has no objections to make.

(2) If an officer to whom notice of intended release has been furnished under (1) of this article does not reply in writing within fourteen days, his failure to reply shall constitute an admission by him that he has no objection to the proposed release.

(3) The recommendation for release together with either the reply of the officer concerned or a statement that he has failed to make a reply shall be forwarded to Army Headquarters.

(4) Nothing in this article shall require notice to be given to an officer whose release is being considered on the grounds of:

- (a) having been convicted by the civil power, when the officer has been committed to undergo a sentence of imprisonment; or
- (b) marriage. (*See article 15.07—"Release of Females on Marriage".*)

(M)

(14 Oct 52)

(15.22 TO 15.30 INCLUSIVE: NOT ALLOCATED)

Section 3—Men

15.31—COMPULSORY RELEASE AGES—MEN

- (1) Subject to (3) and (4) of this article, a man of the Active Force shall be released when he reaches the age limit prescribed for his substantive rank shown in Table “A” to this article, whether or not his current engagement has expired.
- (2) Subject to (3) and (4) of this article, a man of the Reserves shall be released on reaching the age limit prescribed by the Chief of the General Staff, whether or not his current engagement has expired.
- (3) The Chief of the General Staff may in exceptional circumstances authorize the retention of a man beyond the compulsory release age prescribed for his rank.
- (4) When any part of the army is on active service by reason of an emergency, the compulsory release ages for men of all components shall be such as the Minister may prescribe.

TABLE “A” TO ARTICLE 15.31

<i>Rank</i>	<i>Age</i>
Warrant Officer, class 1	55
Warrant Officer, class 2	52
Staff Sergeant or equivalent rank and below	50

(M)

(15 Feb 52)

15.32—RELEASE FOR FRAUDULENT ENROLMENT

- (1) A man may be released under the provisions of item 1(f) (having made a false statement, other than as to age only, with a fraudulent purpose at the time of enrolment) of the table to article 15.01 (Reasons for Release) who, after enrolment, is found to have:
 - (a) failed to disclose on enrolment that he was in a state of desertion from, or belonged to, the Royal Canadian Navy or the Royal Canadian Air Force; or
 - (b) failed to disclose on enrolment that he was in a state of desertion from, or belonged to, any other armed force; or
 - (c) made any other false statement with a fraudulent purpose in the documents signed by him on enrolment, except a false statement as to age only.
- (2) The commanding officer shall:
 - (a) in the case described in (1)(a) of this article, report the matter to Army Headquarters which shall
 - (i) ascertain from the headquarters of the Service to which the man belonged, whether it is desired to claim him under his original engagement, and
 - (ii) if he is claimed, order the immediate release of the man, or
 - (iii) if he is not claimed, instruct the commanding officer as to the man's disposal;
 - or

15.32—RELEASE FOR FRAUDULENT ENROLMENT (Cont'd)

- (b) in a case described in (1)(b) or (c) of this article, report the particulars to Army Headquarters for direction.
- (3) In the case described in (1)(a) of this article the man who is:
 - (a) claimed by his former Service shall be required to refund the amount of any debit balance remaining in his account on release; or
 - (b) not claimed by his former Service and is retained in the army shall be required to refund any sums that are due to the Crown from him under the regulations of his former Service.

(G)

15.33—RELEASE BY PURCHASE

The release of a man under item 4(e) (by purchase) of the table to article 15.01 (Reasons for Release) shall not be approved unless:

- (a) the applicant is not on active service by reason of an emergency;
- (b) purchase money as prescribed in the table to this article is paid;
- (c) if release is applied for within the first year of an initial engagement, the cost of his transportation from his home to his place of enrolment is refunded; and
- (d) the applicant has good and substantial reasons for seeking release and the exigencies of the service permit.

(M)

(22 Oct 53)

TABLE TO ARTICLE 15.33

<i>Cases Applicable</i>	<i>Purchase Money</i>
(1) If release is applied for within the first three months of an initial engagement or a subsequent re-engagement,	\$100
(2) If release is applied for after three months of an initial engagement or a subsequent re-engagement,	\$240 reduced by \$5 for each month in excess of twelve that has elapsed on his engagement or re-engagement, except that at no time shall the amount he is required to pay be less than \$100.

(M)

(22 Oct 53)

15.34—RELEASE OF A MAN ELIGIBLE FOR SERVICE PENSION

The release of a man who is eligible for a service pension under Parts I to IV of *The Defence Services Pension Act* shall not be effected until a board of officers is convened as required by that Act. (See section ^{fifteen}~~twelve~~ of *The Defence Services Pension Act*.)

(M)

AL 15 (1 May 54)

(15.35: RESERVED—NAVY)**(15.36 TO 15.99 INCLUSIVE: NOT ALLOCATED)**

TABLE TO ARTICLE 15.33

<i>Cases Applicable</i>	<i>Purchase Money</i>
(1) If release is applied for within the first three months of an initial engagement or a subsequent re-engagement,	\$100
(2) If release is applied for after three months of an initial engagement or a subsequent re-engagement,	\$240 reduced by \$5 for each month in excess of twelve that has elapsed on his engagement or re-engagement, except that at no time shall the amount he is required to pay be less than \$100.

(M)

(22 Oct 53)

15.34—RELEASE OF A MAN ELIGIBLE FOR SERVICE PENSION

The release of a man who is eligible for a service pension under *The Defence Services Pension Continuation Act* shall not be effected until a board of officers is convened as required by that Act. (*See section fifteen of The Defence Services Pension Continuation Act.*)

(M)

(1 May 54)

(15.35: RESERVED—NAVY)**(15.36: RESERVED—AIR FORCE)****(15.37 TO 15.49 INCLUSIVE: NOT ALLOCATED)****Section 4—Reinstatement of Officers and Men****15.50—REINSTATEMENT**

(1) Section 31 of the *National Defence Act* provides in part:

‘31. (4) Subject to regulations made by the Governor in Council, where an officer or man has been released from the Canadian Forces or transferred from one component to another by reason of a sentence of dismissal or a finding of guilty by a service tribunal or any court, and the sentence or finding ceases to have force and effect as a result of a decision of a competent authority, the release or transfer may, with the consent of the officer or man concerned, be cancelled, and he shall thereupon, except as provided in those regulations, be deemed for the purpose of this Act or any other Act, not to have been so released or transferred.’

(2) Subject to (3) of this article, where an officer or man has been released or transferred from one component to another by reason of a sentence of dismissal or a finding of guilty by a service tribunal or any court, and the sentence or finding ceases to have force and effect as a result of a decision of a competent authority, the Minister, within eighteen months of such release or transfer, or the Governor in Council at any time, may, with the consent of the officer or man concerned, cancel such release or transfer.

(3) The pay and allowances of an officer or man whose release or transfer is cancelled under (2) of this article shall be subject to such deduction as may be imposed under paragraph (3) of article 208.31 (Forfeitures, Deductions and Cancellations—When No Service Rendered).

15.50—REINSTATEMENT—(Cont'd)

(4) An officer or man whose release or transfer has been cancelled pursuant to (2) of this article shall be entitled to the benefits prescribed in articles 209.74 (Transportation and Travelling Entitlements on Reinstatement—Canadian Army (Regular)) and 209.847 (Movement of Dependants, Furniture and Effects—Personnel Reinstated—Canadian Army (Regular)).

(G) (PC 1958-21/336 of 4 Mar 58) (HQ 1733-15) (4 Mar 58)

(15.51 TO 15.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 16

LEAVE AND PASS

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

16.01—WITHHOLDING OF AND RECALL FROM LEAVE AND PASS

- (1) Leave and pass may be withheld only by reason of the exigencies of the service.
 - (2) An officer or man on leave or pass may be recalled to duty at any time.
- (M)

16.02—INVOLUNTARY ABSENCE FOLLOWING LEAVE OR PASS

- (1) An officer or man who is unable through circumstances beyond his control to return to his place of duty at the expiration of his leave or pass shall:
 - (a) report the circumstances and the anticipated date of return to the commanding officer of the nearest army station or unit; and
 - (b) on returning to his place of duty present proof, including a medical certificate if applicable, of the circumstances that have precluded his earlier return.
 - (2) A commanding officer to whom a report is made under (1)(a) of this article shall communicate by message full particulars to the commanding officer of the officer or man concerned.
- (M)

(16.03: NOT ALLOCATED)

16.04—PERMISSION TO PROCEED TO ANOTHER COUNTRY ON LEAVE OR PASS

- (1) Except when authorized under (2) of this article, an officer or man on leave or pass shall not proceed beyond Canada or the country in which he is serving.
- (2) An officer or man on leave or pass may be authorized to proceed:
 - (a) subject to any limitations prescribed by the Chief of the General Staff, to the United Kingdom or any country of the North American continent including the West Indies, by the authority granting his leave or pass; or
 - (b) to a country not mentioned in (a) of this paragraph, by the Chief of the General Staff or such officer as he may designate.

(M)

(HQ 1733-16)

(10 Oct 56)

(16.05 TO 16.10 INCLUSIVE: NOT ALLOCATED)

Section 2—Leave

16.11—APPLICATION OF SECTION

Leave under the provisions of this section shall be granted only to an officer or man of:

- (a) the Canadian Army (Regular); and
- (b) the Reserves when he is on active service, or performing Continuous Army Duty or Special Duty for a period of not less than six months.

(M)

(24 Dec 51)

AL 30

16.12—LEAVE YEAR

The leave year shall be from the first day of April to the thirty-first day of March of the following year.

(M)

16.13—AUTHORIZATION OF LEAVE

Except when the approval of a higher authority is required by this section, leave may be granted to:

- (a) a commanding officer or an area commander by the officer commanding the command; and
- (b) an officer commanding a command, or the head of a branch at Army Headquarters, by the Chief of the General Staff.

(M)

16.14—ANNUAL LEAVE

(1) Annual leave up to a maximum of thirty days in each leave year may be granted to an officer or man by the commanding officer. If approval is granted by or under the authority of the Chief of the General Staff annual leave in respect of one leave year may, in special circumstances, be taken in the subsequent leave year.

(2) Annual leave shall not be granted following enrolment until the completion of six months' paid service or the completion of training, whichever is the longer, except:

- (a) leave included in a training syllabus; or
- (b) for urgent and exceptional personal reasons; or
- (c) when leave is in the best interests of the army.

(3) Leave corresponding to annual or compassionate leave taken in respect of the current leave year under the regulations of another of Her Majesty's Forces to which an officer or man has been attached or seconded shall be deducted from the annual leave permissible under (1) of this article.

(4) No officer or man shall be granted annual leave to be taken subsequent to the commencement of rehabilitation leave.

(5) An officer or man of the Reserves when employed on Continuous Army Duty or Special Duty for a period of not less than six months may be granted annual leave on the basis of two and one-half days for each month served. This leave shall be taken during the period of Continuous Army Duty or Special Duty.

(M)

(24 Dec 51)

(16.15: NOT ALLOCATED)

16.16—SICK LEAVE

(1) An officer or man may be granted sick leave not exceeding:

- (a) thirty days by a commanding officer; or
- (b) ninety-one days by an officer commanding a command or an area commander, including any leave granted under (a) of this paragraph; or
- (c) 183 days by the Chief of the General Staff, including any leave granted under (a) and (b) of this paragraph;

on the recommendation of a medical board, or, when the leave is for not more than thirty days, on the recommendation of a medical officer. (29 Jul 53)

(2) An officer or man who has been absent on sick leave shall report to the medical officer immediately on return to his station or unit.

(3) Sick leave shall not be granted to an officer or man who is about to be released on medical grounds or for any other reason.

(M)

16.17—COMPASSIONATE LEAVE

(1) An officer or man may be granted compassionate leave not exceeding:

- (a) fourteen days by a commanding officer; or
- (b) thirty days by an officer commanding a command or an area commander, including any leave granted under (a) of this paragraph; or
- (c) ninety-one days by the Chief of the General Staff, including any leave granted under (a) and (b) of this paragraph. (29 Jul 53)

(2) Compassionate leave may be granted only for urgent and exceptional personal reasons and shall be counted against any portion of the officer's or man's annual leave that has not been taken.

(M)

(7 Jan 52)

16.18—VERIFICATION OF GROUNDS FOR COMPASSIONATE LEAVE

When an officer or man applies for compassionate leave, the commanding officer shall:

- (a) in normal cases verify to his satisfaction the grounds upon which the leave is requested before granting it; and
- (b) in cases of apparent urgency grant the leave and instruct the applicant to furnish definite verification of the grounds on his return from leave.

(C)

16.19—REHABILITATION LEAVE

(1) The Chief of the General Staff or such officer as he may designate may grant rehabilitation leave to an officer or man of the Canadian Army (Regular) whose release or transfer to the Reserves has been approved. Rehabilitation leave granted shall not extend beyond the date of release. It shall be computed on the basis of thirty days for each completed five years of continuous service and seven days for each completed year of continuous service under five years. (6 May 53)

(2) For the purposes of this article "continuous service" shall mean the period of uninterrupted full-time paid service in the armed forces of Her Majesty ending on the day of release. Any period of leave without pay shall not be considered as interrupting the continuity of service when computing rehabilitation leave.

(3) Rehabilitation leave shall not be granted to:

(a) an officer or man whose release is approved under the provisions of the table to article 15.01 (Reasons for Release), Item 1 (Misconduct), 2 (Inefficiency), or 4 (Voluntary Retirement) (a), (b) or (e); or

(b) an officer whose release at his own request has been approved other than in circumstances under which he would be entitled to a pension under the *Defence Services Pension Continuation Act* or an annuity under the *Canadian Forces Superannuation Act*, as applicable. (14 Jul 61)

(M)

16.20—SPECIAL LEAVE

An officer or man may be granted special leave:

(a) not exceeding thirty days by or under the authority of the Chief of the General Staff; or

(b) for any period by or under the authority of the Minister.

(M)

(29 Jul 53)

(16.21 and 16.22: Repealed 14 Mar 61)

16.23—SPECIAL LEAVE FOR TRAVELLING TIME

(1) Special leave for travelling time may be granted, in accordance with (2) and (3) of this article, to an officer or man who intends to spend his leave at a place more than twenty-four hours distant by the most direct railroad or steamship route from his station or unit. Special leave for travelling time shall be in addition to other leave.

(2) When an officer or man proceeds on annual leave, the commanding officer may grant special leave for travelling time, once in each leave year, not in excess of:

- (a) eight days, to cover the period of travel; and
- (b) an additional five days, to cover the time actually required for the return journey from an isolated unit to the mainland or railhead.

(3) When an officer or man proceeds on special leave prior to embarkation for, or after disembarkation from, service outside North America, the commanding officer may grant special leave for travelling time, not in excess of eight days.

(C) (23 Jan 56)

16.24—ISOLATION LEAVE

(1) The commanding officer may grant seven days' isolation leave once in each leave year to an officer or man who has completed a minimum period of 183 consecutive days during which his place of duty was in a locality designated in orders as isolated.

(2) When, because of the exigencies of the service, an officer or man is unable to take isolation leave in the leave year in which it is authorized, the officer commanding the command may authorize this leave to be taken in the subsequent leave year.

(M)

16.25—LEAVE WITHOUT PAY AND ALLOWANCES

(1) An officer or man may be granted leave without pay and allowances:

- (a) not exceeding fourteen days by a commanding officer; or
- (b) not exceeding thirty days by an officer commanding a command or an area commander, including any leave granted under (a) of this paragraph; or
- (c) for any period by or under the authority of the Chief of the General Staff.

(29 Jul 53)

(2) Except that the Chief of the General Staff may, if he considers it in the best interests of the army, order a period of leave without pay and allowances to be reckoned as service for the purpose of promotion, a period of leave without pay and allowances shall not count for:

- (a) seniority; or
- (b) promotion; or
- (c) award of good conduct medals or badges; or
- (d) any other army purpose.

(M)

(16.26 TO 16.29 INCLUSIVE: NOT ALLOCATED)

Section 3—Pass

16.30—GRANTING OF A PASS

- (1) A pass may be granted to an officer or man by a commanding officer.
- (2) A pass shall not be:
 - (a) granted for a period of forty-eight hours more often than once in each month ; or
 - (b) granted for a period in excess of forty-eight hours except that the period may be extended by the inclusion of an official holiday observed by the army; or
 - (c) granted consecutively with another pass; or
 - (d) reckoned against annual leave.

(M)

(16.31 TO 16.36 INCLUSIVE: RESERVED — NAVY)

(16.37 TO 16.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 17

DRESS AND APPEARANCE

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

17.01—UNIFORMS

Officers and men of the army shall wear the uniforms prescribed by the Chief of the General Staff.

(C)

17.02—PERSONAL APPEARANCE

(1) The dress and appearance of an officer or man shall on all occasions be such as to reflect credit on the army.

(2) No officer or man shall wear a beard unless he is required to do so for medical or religious reasons.

(M)

(17.03: RESERVED — NAVY)

17.04—WHEN UNIFORM TO BE WORN

(1) Unless the Chief of the General Staff otherwise directs:

- (a) an officer or man on duty shall wear uniform; and
- (b) an officer or man not on duty may wear civilian clothes.

(2) An officer or man who desires to wear uniform while on leave outside Canada shall request permission to do so at the time he applies for that leave.

(3) When a request for permission to wear uniform is made under (2) of this article, the authority having power to approve the leave:

- (a) may, subject to any restrictions imposed by the Chief of the General Staff, approve the request if the leave is to be spent in
 - (i) countries of the Commonwealth,
 - (ii) countries of the North Atlantic Treaty Organization, and
 - (iii) countries in which Canadian Forces are stationed in accordance with any instrument entered into by Canada; and
- (b) shall, in all other cases, refer the request to Army Headquarters.

(4) When permission is granted to wear uniform on leave outside Canada, the authority granting the leave shall record the permission on the leave form and, when permission has been given under (3)(b) of this article:

- (a) if the authority granting the leave is outside Canada, he shall
 - (i) inform the Canadian representative in the country concerned, or
 - (ii) if there is no Canadian representative in the country concerned, inform the representative of the United Kingdom; and
- (b) if the authority granting the leave is in Canada, the Chief of the General Staff shall cause the Department of External Affairs to be notified.

(M)

(31 Aug 55)

17.05—EFFECTIVE DATES OF WEAR

(1) The effective dates of wear of both winter and summer dress shall be authorized by the officer commanding the command.

(2) The officer commanding the command, in determining effective dates of wear, shall have due regard to the climatic conditions and to the uniformity of dress in the areas allocated to his command.

(C)

17.06—WEARING OF UNIFORM—RESTRICTIONS

(1) Except that he may wear a military uniform of obsolete pattern, no officer or man shall wear any part of a military uniform at a fancy dress ball.

(2) No officer or man of the Reserves shall wear uniform except when he is:

(a) on duty; or

(b) attending a military entertainment or a ceremony at which the wearing of uniform is appropriate.

(3) A former officer or man released other than by reason of misconduct may wear uniform:

(a) with the permission of the officer commanding the command or the area commander, when attending a military entertainment or a ceremony at which the wearing of uniform is appropriate; or

(b) on other occasions with the permission of the Chief of the General Staff.

(M)

(24 Nov 53)

17.065—WEARING OF UNIFORM IN THEATRICAL PRODUCTIONS

If he is satisfied that no discredit to the army will ensue, the officer commanding the command or the area commander may authorize any person to wear army uniform in a theatrical production, stage play or other public performance.

(M)

(25 Nov 54)

(17.07: RESERVED—NAVY)**17.08—PROVISION OF UNIFORM**

(1) Commissioned officers and warrant officers, class 1, of the Canadian Army (Regular) shall, at their own expense, provide themselves with and maintain articles of uniform in the required quantities and according to appropriate sealed patterns.

(2) Subject to (3) of this article, a man below the rank of warrant officer, class 1, of the Canadian Army (Regular) or of the Reserves on Continuous Army Duty, shall:

(a) on enrolment or on commencement of Continuous Army Duty, be provided with articles of uniform in accordance with orders issued by the Chief of the General Staff; and

(b) subsequently maintain articles of uniform in accordance with article 205.54 (Clothing Credit Allowance) and orders issued by the Chief of the General Staff.

(3) Men below the rank of warrant officer, class 1, while serving in an operational theatre as designated in accordance with article 205.54(2) shall be provided with articles of uniform in accordance with orders issued by the Chief of the General Staff.

(4) Subordinate officers of the Canadian Army (Regular) and officers and warrant officers, class 1, of the Reserves, shall be provided with articles of uniform in accordance with orders issued by the Chief of the General Staff.

(5) Men of the Reserves below the rank of warrant officer, class 1, who are not on Continuous Army Duty, shall be provided with articles of uniform in accordance with orders issued by the Chief of the General Staff.

(M)

(1 Apr 53)

17.09—KIT INSPECTION

The uniform of a man below the rank of warrant officer shall be inspected at all kit inspections for the purpose of ascertaining whether:

- (a) there are any deficiencies;
- (b) any replacements or repairs are required; and
- (c) any man is improperly in possession of any article.

(C)

17.10—WEARING OF ACCESSORIES WITH UNIFORM

(1) Subject to (2) of this article, no officer or man shall wear in a visible position on his uniform any article not a part of his order of dress.

(2) Unless the Chief of the General Staff otherwise directs, an officer or man may wear on his head-dress the special flowers or emblems on the days specified in the table to this article.

TABLE TO ARTICLE 17.10

<i>Occasion</i>	<i>Date</i>	<i>Emblem</i>
St. David's Day	1st March	Leek
St. Patrick's Day	17th March	Shamrock
St. George's Day	23rd April	Rose
St. Jean Baptiste Day	24th June	Maple Leaf
Dominion Day	1st July	Maple Leaf
Remembrance Day	11th November	Poppy
St. Andrew's Day	30th November	Thistle

(C)

(17.11 TO 17.14 INCLUSIVE: NOT ALLOCATED)

Section 2—Mourning**17.15—COURT MOURNING**

(1) Except as provided in (2) of this article, court mourning shall not apply to the army.

(2) An officer while:

- (a) attending court functions including levees; or
- (b) in attendance upon the Governor General or the Lieutenant-Governor of a province;
or
- (c) on duty with an escort or guard of honour provided for the Governor General or the Lieutenant-Governor of a province;

shall wear court mourning if the court is in mourning, but otherwise shall not wear any mourning.

(M)

17.16—SERVICE MOURNING

- (1) Service mourning shall apply to officers only.
- (2) The Chief of the General Staff may order service mourning on the occasions, under the conditions, and for the duration he considers necessary.

(M)

17.17—OTHER CASES OF MOURNING

Subject to article 17.15:

- (a) an officer or warrant officer, class 1, shall wear mourning while taking part in service funerals or ceremonial services connected with service funerals;
- (b) an officer or man may wear mourning at a private funeral in the event of a personal bereavement; and
- (c) no officer or man shall wear mourning at the unveiling of memorials, Remembrance Day services, or other similar ceremonies.

(M)

(17.18 TO 17.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 18

ORDERS, DECORATIONS, AND MEDALS

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

18.01—AWARD OF ORDERS, SERVICE DECORATIONS, AND MEDALS

(1) The orders, decorations, and medals other than commemorative medals for which officers and men are eligible and the general conditions for their award are shown in the table to this article.

(2) A British order or service decoration is awarded at the Queen's pleasure under the terms of the appropriate statute or royal warrant.

(M)

TABLE TO ARTICLE 18.01

See next page.

TABLE TO ARTICLE 18.01

Orders, Decorations and Medals awarded for Gallantry and Distinguished Service

Order, Decoration, or Medal	Persons Eligible	Conditions for Award	Privileges	
			Letters which may be used after the name	Others
Victoria Cross	All officers and men	Most conspicuous bravery, some daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty in the face of the enemy.	V.C.	(a) The award to men carries with it an annuity (b) May be awarded posthumously
George Cross	All officers and men	Outstanding heroism or most conspicuous courage in circumstances of extreme danger not in the face of the enemy.	G.C.	May be awarded posthumously
Companion of the Most Honourable Order of the Bath (Military Division)	Officers of the rank of Colonel and above and in exceptional cases Lieutenant-Colonels	Eminent and distinguished service.	C.B.	
Commander of the Most Excellent Order of the British Empire (Military Division)	Officers of the rank of Colonel and above and in exceptional cases Lieutenant-Colonels	(a) Service against an enemy in action; or (b) Gallantry or distinguished and meritorious service.	C.B.E.	
Distinguished Service Order	All officers	Gallantry or distinguished service in the presence of the enemy which, although it may not be considered to merit the Victoria Cross, is yet of a high standard.	D.S.O.	

TABLE TO ARTICLE 18.01 (Cont'd)

Order, Decoration, or Medal	Persons Eligible	Conditions for Award	Privileges	
			Letters which may be used after the name	Others
Officer of the Most Excellent Order of the British Empire (Military Division)	Officers of the rank of Lieutenant-Colonel and in exceptional cases Majors	(a) Service against an enemy in action; or (b) Gallantry or distinguished and meritorious service.	O.B.E.	
Member of the Most Excellent Order of the British Empire (Military Division)	Officers of the rank of Major and below and Warrant Officers	(a) Service against an enemy in action; or (b) Gallantry or distinguished and meritorious service.	M.B.E.	
Royal Red Cross First Class (Member)	All officers of the Nursing Branch, Royal Canadian Army Medical Corps	(a) Exceptional devotion to duty and competency over a long period of time; or (b) Acts of bravery and devotion while on duty.	R.R.C.	May be awarded to females only
Military Cross	Officers of the rank of Major and below and Warrant Officers	Gallant and distinguished service in the face of the enemy.	M.C.	The award to Warrant Officers carries with it a gratuity
Distinguished Flying Cross	All officers and Warrant Officers	Exceptional valour, courage or devotion to duty while flying in active operations against the enemy.	D.F.C.	The award to Warrant Officers carries with it a gratuity
Air Force Cross	All officers and Warrant Officers	(a) Exceptional valour, courage or devotion to duty whilst flying other than on active operations against the enemy; or (b) Distinguished service to aviation in actual flying.	A.F.C.	

18.11—GENERAL (Cont'd)

(2) The order and manner of wearing orders, decorations, and medals and the ribbons representing them shall be as notified by the Chief of the General Staff. (*See Dress Regulations.*)

(M)

18.12—NON-MILITARY DECORATIONS AND MEDALS

(1) No officer or man when in uniform shall wear any non-military decoration or medal or the ribbon representing any such decoration or medal except:

- (a) the Albert Medal, the Edward Medal, a Board of Trade Medal, a Life Saving Medal of the Order of St. John of Jerusalem;
- (b) the Medals of the Royal Humane Society, the Royal Canadian Humane Association Medal, a Medal of the Royal National Lifeboat Institution; and
- (c) a decoration or medal awarded by or on behalf of a foreign government.

(2) The decorations and medals mentioned in (1)(a) of this article are classified as official, those in (1)(b) and (c) as non-official.

(3) Only one official and one non-official decoration or medal or the ribbons representing them may be worn for one act of gallantry.

(M)

18.13—WEARING AND CARRYING OF MEDALS WHILE ON OPERATIONS

No officer or man shall carry or wear an order, decoration, or medal when he is engaged in operations against the enemy.

(M)

(18.14 TO 18.19 INCLUSIVE: NOT ALLOCATED)**Section 3—Replacement****18.20—REPLACEMENT**

(1) Orders, service decorations, and medals shall be replaced at public expense only when the loss is due to unavoidable circumstances arising out of the exigencies of the service.

(2) Orders, service decorations, and medals, the loss of which is due to circumstances not arising out of the exigencies of the service, may be replaced on prepayment.

(3) Orders, decorations, and medals other than British orders, service decorations, and medals may be replaced only under the conditions prescribed by the issuing authority.

(4) An application from an ex-officer or man for the replacement of a decoration or medal lost by him must be accompanied by a statutory declaration as to the circumstances under which the original decoration or medal was lost and the steps taken to effect recovery. Replacement shall be on prepayment only and shall not be made before the expiration of two months from the date of the loss.

(M)

(18.21 TO 18.24 INCLUSIVE: NOT ALLOCATED)

Section 4—Forfeiture and Restoration

18.25—BRITISH ORDERS, SERVICE DECORATIONS, AND MEDALS

British orders and certain service decorations and medals may be forfeited and restored only under authority of the statutes and royal warrants governing them. In no circumstances shall a court martial order the forfeiture of any such orders, decorations, or medals.

(M)

(18.26: RESERVED—NAVY)

18.27—FORFEITURE AND RESTORATION OF DECORATIONS AND MEDALS OTHER THAN THOSE AWARDED FOR GALLANTRY AND WAR MEDALS

(1) An officer or man who is:

- (a) sentenced to death; or
- (b) sentenced to dismissal with disgrace from Her Majesty's service; or
- (c) sentenced to dismissal from Her Majesty's service; or
- (d) released for misconduct;

shall forfeit any decoration or medal awarded to him or to which he may be entitled for long service, good conduct, efficiency, or meritorious service other than gallantry.

(2) An officer or man who is:

- (a) convicted by a civil power of any serious offence; or
- (b) convicted of an offence of treason, sedition, mutiny, cowardice, desertion, or a disgraceful offence against morality;

may be ordered by the Minister to forfeit any decoration or medal awarded to him or to which he may be entitled for long service, good conduct, efficiency, or meritorious service other than gallantry.

(3) Any decoration or medal forfeited under this article may be restored at the discretion of the Minister.

(M)

18.28—FORFEITURE AND RESTORATION OF WAR MEDALS AWARDED FOR SERVICE PRIOR TO THE SECOND WORLD WAR

(1) An officer or man who is:

- (a) sentenced to death; or
- (b) sentenced to
 - (i) dismissal with disgrace from Her Majesty's service, or
 - (ii) dismissal from Her Majesty's service; or
- (c) being released for misconduct;

may be ordered by the Minister to forfeit any war medal, other than a Second World War medal, the Korea Medal or the United Nations Service Medal.

(2) Any medal forfeited under this article may be restored at the discretion of the Minister.

(M)

(4 Aug 55)

18.29—FORFEITURE AND RESTORATION OF CAMPAIGN STARS, WAR MEDALS, AND CLASPS AWARDED FOR SERVICE DURING OR AFTER THE SECOND WORLD WAR

(1) An officer or man who is:

- (a) convicted of treason, sedition, mutiny, cowardice, desertion, or a disgraceful offence against morality; or
- (b) sentenced to
 - (i) dismissal with disgrace from Her Majesty's service, or
 - (ii) dismissal from Her Majesty's service;

shall forfeit Second World War campaign stars and clasps, the Defence Medal, Canadian Volunteer Service Medal and clasp, the War Medal 1939-45, the Korea Medal, the United Nations Service Medal, and the United Nations Emergency Force Medal. (5 Dec 58)

(2) Subject to (4) of this article, the Chief of the General Staff or such officer as he may designate may restore campaign stars, medals, and clasps forfeited under (1) of this article when the officer or man who forfeited them has performed meritorious service or is otherwise specially recommended.

(3) Subject to (4) of this article, the Chief of the General Staff or such officer as he may designate may restore to an officer or man the campaign stars, medals, and clasps forfeited under (1)(a) of this article if:

- (a) the officer or man has completed
 - (i) three years of continuous service since his release from imprisonment or detention, or
 - (ii) three years of continuous service since the date of his conviction, when no imprisonment or detention was imposed, or
 - (iii) less than the three years' continuous service specified in (i) and (ii) of this subparagraph, when his service has been terminated by release; and
- (b) during the period of service prescribed in (a) of this paragraph the officer or man has committed no offence, or any offence which he has committed is considered by the Chief of the General Staff or such officer as he may designate, not to have been of a serious nature.

(4) A campaign star, medal, or clasp forfeited under this article shall not be restored:

- (a) under (3)(a)(iii) of this article, when it has been forfeited by reason of conviction of treason, sedition, mutiny, or cowardice; or
- (b) if forfeited for desertion which occurred during the period for which it was instituted, unless the officer or man concerned has, subsequent to return from desertion, rendered a minimum of one day's paid service before the date shown in the table to this article as the terminal date of the period for which the campaign star, medal, or clasp was instituted.

18.29—FORFEITURE AND RESTORATION OF CAMPAIGN STARS, WAR MEDALS, AND CLASPS AWARDED FOR SERVICE DURING OR AFTER THE SECOND WORLD WAR (Cont'd)

(5) Campaign stars, medals, and clasps forfeited under this article shall be forwarded to Army Headquarters for custody.

(M) (4 Aug 55)

TABLE TO ARTICLE 18.29

Star or Medal	Terminal Date
The Africa Star.....	12th May, 1943
The Air Crew Europe Star.....	5th June, 1944
The 1939-45 Star (for operational service other than in the Pacific Theatre).....	8th May, 1945
The Atlantic Star.....	
The Italy Star.....	
The France and Germany Star.....	
The 1939-45 Star (for operational service in the Pacific Theatre)..	2nd September, 1945
The Pacific Star.....	
The Burma Star (1942).....	
The Defence Medal.....	
The War Medal 1939-45.....	
The Canadian Volunteer Service Medal.....	
The Korea Medal.....	27th July, 1953
The United Nations Service Medal.....	27th July, 1954
The United Nations Emergency Force Medal.....	to be announced

(M) (5 Dec 58)

(18.30 TO 18.39 INCLUSIVE: NOT ALLOCATED)

(18.40 TO 18.46 INCLUSIVE: RESERVED—NAVY)

(18.47 TO 18.99 INCLUSIVE: NOT ALLOCATED)

CONDUCT AND DISCIPLINE

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—Personal Conduct

19.01—OBSERVANCE AND ENFORCEMENT OF REGULATIONS, ORDERS, AND INSTRUCTIONS

Every officer and man shall make himself acquainted with, obey, and enforce:

- (a) *The National Defence Act*;
- (b) *The Official Secrets Act*;
- (c) QR(Army); and
- (d) all other regulations, rules, orders, and instructions necessary for the performance of his duties.

(M)

19.02—CONFLICTING ORDERS

If an officer or man is given an order which he considers to be in conflict with *The National Defence Act*, QR(Army), or orders issued to the army, or with any particular order he has previously received, he shall point out the conflict orally, or in writing if the order does not require immediate obedience, to the superior by whom the order was given. If the superior still directs him to obey the order, he shall do so.

(M)

(19.03: NOT ALLOCATED)

19.04—INTOXICANTS

No officer or man shall introduce, possess, or consume any intoxicant on an army station or unit or in any building or area occupied by the army, except:

- (a) in an institute with respect to which a general authority has been granted to possess or consume an intoxicant during specified hours; or
- (b) in such other place and at such times as the commanding officer may approve.

(M)

(19.05 AND 19.06: RESERVED—NAVY)

19.07—PRIVATE DEBTS

- (1) Private debts of an officer or man are the responsibility of the individual concerned.
- (2) Every complaint received from a creditor that an officer or man has failed to pay his debts shall be dealt with as prescribed by the Chief of the General Staff.

(M)

(26 Sep 55)

19.08—BANKRUPTCY

An officer or man against whom an order in bankruptcy has been made, or who has voluntarily filed a petition in bankruptcy, shall report the fact immediately to Army Headquarters.

(M)

19.09—USE OF OUTSIDE INFLUENCE FORBIDDEN

No officer or man shall attempt to obtain favourable consideration on any matter relating to his service by the use of influence from sources outside the army.

(M)

19.10—COMBINATIONS FORBIDDEN

No officer or man shall without authority:

(31 Dec 51)

- (a) combine with other officers or men for the purpose of bringing about alterations in existing regulations for the army; or
- (b) sign with other officers or men memorials, petitions, or applications relating to the army; or
- (c) obtain or solicit signatures for memorials, petitions, or applications relating to the army.

(M)

19.11—INTERVIEW AND COMMUNICATION WITH OFFICERS AT HEADQUARTERS

- (1) Except as provided in (2) of this article, no officer or man shall apply for an interview with any officer at:

- (a) command or area headquarters without the permission of his commanding officer; or
- (b) Army Headquarters without the permission of the officer commanding the command.

- (2) An officer or man temporarily in Canada but belonging to a unit abroad may apply in writing direct to Army Headquarters for an interview, or in extreme urgency, may apply in person, informing his commanding officer of his action.

19.11—INTERVIEW AND COMMUNICATION WITH OFFICERS AT HEADQUARTERS (Cont'd)

(3) No officer or man shall communicate privately with officers at Army Headquarters or a command or area headquarters on a personal matter relating to his service.

(M)

19.12—COMMUNICATION WITH THE COMMANDING OFFICER

An officer or man may, upon application, see his commanding officer on any personal matter.

(M)

19.13—REBUKE IN PRESENCE OF JUNIOR

No officer or man shall rebuke any person in the presence or hearing of anyone junior to that person in rank, unless a public rebuke is absolutely necessary for the preservation of discipline.

(M)

(10 Jan 55)

19.14—IMPROPER COMMENTS

(1) No officer or man shall make remarks or pass criticism tending to bring his superior into contempt, except as may be necessary for the proper presentation of a complaint to redress a grievance.

(2) No officer or man shall do or say anything which:

- (a) if seen or heard by any member of the public might reflect discredit on the army or on any of its members; or
- (b) if seen or heard by, or reported to, those under him might discourage them or render them dissatisfied with their condition or the duties on which they are employed.

(M)

19.15—TESTIMONIALS AND GIFTS FORBIDDEN

No officer or man shall convey any collective or individual expression of praise, regard, or approbation to an officer or man of any of Her Majesty's Forces by subscription to or presentation of any testimonial or gift. An officer or man shall be held responsible if he accepts a testimonial or gift in the circumstances described in this article.

(M)

19.16—FOREIGN EXPEDITIONS AND MANOEUVRES

(1) Subject to (2) of this article, no officer or man, without the permission of the Chief of the General Staff or the Army Member, Canadian Joint Staff, shall in a foreign country:

- (a) accompany or take part in a naval, army or air force expedition of a foreign power; or
- (b) officially attend the manoeuvres or public parades of the naval, army or air forces of a foreign power.

19.16—FOREIGN EXPEDITIONS AND MANOEUVRES (Cont'd)

(2) Nothing in this article shall prevent attachés, authorized staff and exchange personnel, whose normal duties so require, from attending manoeuvres or public parades of the naval, army or air forces of a foreign power to which they are attached or accredited.

(M)

(HQ 1733-19)

(10 Apr 57)

19.17—REPORTS OF EXPEDITIONS AND MANOEUVRES

(1) An officer or man who attends an expedition or manoeuvres outside Canada shall forward to Army Headquarters a report on the expedition or manoeuvres he witnesses.

(2) Subject to (1) of this article, no officer or man shall, without permission from Army Headquarters, send to anyone an account of or comment on any expedition or manoeuvres he may witness.

(M)

19.18—CONCEALMENT OF DISEASE

An officer or man who is suffering or suspects he is suffering from a disease shall, without delay, report himself sick.

(C)

(19.19: RESERVED—NAVY)**(19.20 TO 19.25 INCLUSIVE: NOT ALLOCATED)****Section 2—Grievances and Complaints****19.26—REDRESS OF GRIEVANCE**

(1) If an officer or man thinks that he has suffered any personal oppression, injustice, or other ill-treatment, he may complain orally to the commanding officer.

(2) If an officer or man thinks that he has been wronged by the commanding officer, either because a complaint under (1) of this article has not been redressed or for any other reason, he may complain in writing to the commanding officer.

(3) If the commanding officer has not redressed a complaint made under (2) of this article within fourteen days of its receipt by him, the complainant may submit his complaint in writing to the area commander. (21 Dec 55)

(4) If the complainant does not receive from the area commander the redress to which he considers himself entitled, he may submit his complaint in writing to the officer commanding the command who shall, if the complainant so requires, submit the complaint to the Chief of the General Staff. (21 Dec 55)

(5) If the complainant does not receive from the Chief of the General Staff the redress to which he considers himself entitled, he may submit his complaint in writing to the Minister and, in the case of an officer, the Minister shall, if the complainant so requires, submit the complaint to the Governor in Council. (21 Dec 55)

19.26—REDRESS OF GRIEVANCE (Cont'd)

(6) If the complainant is a commanding officer, an area commander or an officer commanding a command, his complaint shall first be made in writing and addressed to his immediate superior. In other respects the procedure for making complaints shall be the same as for other officers.

(7) Every complaint shall be submitted through the usual channels, except that if a commanding officer or an officer commanding a command does not forward a complaint to higher authority when requested to do so, then that complaint may be forwarded direct.

(8) Every person to whom a complaint is made under this article shall cause such complaint to be inquired into, and shall, if he is satisfied of the justice of the complaint, take such steps as are within his power to afford full redress to the complainant or if he has no power to afford full redress, submit the complaint to higher authority.

(9) No officer or man shall be penalized for making a complaint in accordance with this article and with article 19.27.

(G)

19.27—RULES FOR STATING GRIEVANCES

(1) A statement of grievance presented under article 19.26:

(a) shall

- (i) be made as early as practicable while it is still possible to ascertain the facts of the case, and
- (ii) be confined to a statement of the facts complained of and to the alleged consequences to the complainant; and

(b) shall not

- (i) be made jointly by two or more complainants, or
- (ii) be made anonymously, or
- (iii) contain a statement known to the complainant to be untrue, or
- (iv) include language or comments which are insubordinate or subversive of discipline, except so far as may be necessary for an adequate statement of the complaint.

(2) If a complainant requests assistance in the presentation of his grievance, the commanding officer shall detail an officer to assist him, who shall, if practicable, be an officer designated by the complainant.

(G)

19.28 TO 19.35 INCLUSIVE: NOT ALLOCATED)

Section 3—Dealings with Public, Civil Employment, and Political Activities

19.36—DISCLOSURE OF INFORMATION OR OPINION

No officer or man shall publish, communicate, or otherwise disclose any information or opinion relating to military subjects acquired as a result of his army service to any person who is not entitled to receive such information or opinion.

(M)

19.37—PERMISSION REQUIRED TO PUBLISH WRITING OR DELIVER ADDRESS

(1) The provisions of this article shall not apply to a writing, lecture, address, or broadcast confined exclusively to members of the Canadian Forces.

(2) No officer or man shall, whether it purports to be fiction or fact, publish any writing or deliver any lecture, address, or broadcast in any way dealing with military subjects unless permission is first obtained to do so.

(3) No officer or man of the Canadian Army (Regular) or of the Reserves when he is on Continuous Army Duty, Special Duty, or Camp Training, shall, whether it purports to be fiction or fact, publish any writing or deliver any lecture, address, or broadcast, in any way dealing with subjects of a controversial nature affecting other departments of the public service or pertaining to public policy unless permission is first obtained to do so.

(4) An officer or man shall request the permission specified in (2) or (3) of this article from his commanding officer, accompanying his request with a copy of the writing proposed to be published or the text of the proposed lecture, address or broadcast. The commanding officer shall:

- (a) where classified information is included, refuse the request;
- (b) refer the request to the next higher authority for a decision by an officer not below the rank of lieutenant-colonel if the commanding officer
 - (i) is below the rank of lieutenant-colonel, or
 - (ii) does not consider himself competent to rule on the subject involved, or on whether classified information is included; and
- (c) in all other cases grant or refuse the request. (13 Jun 57)

(5) If the commanding officer himself proposes to do any of the things specified in (2) or (3) of this article, he shall first obtain the permission of the officer commanding the command.

(6) Any permission granted to publish a writing or to deliver a lecture, address, or broadcast does not convey official endorsement of its contents and the officer or man shall not include in it any statement tending to imply official approval or endorsement, nor shall he refer in it in any way to the permission granted.

(7) An officer or man appointed for public relations duties shall not accept remuneration from sources outside the army for any writing, lecture, address, or broadcast in any way relating to military subjects.

(M)

19.38—COMMUNICATIONS WITH OTHER SERVICES AND GOVERNMENT DEPARTMENTS

No officer or man shall enter into direct communication with any other service or with any government department on subjects connected with the army or with his particular duties or future employment, unless he is authorized to do so under QR(Army) or by instructions from Army Headquarters.

(M)

19.39—DEALINGS WITH CONTRACTORS

(1) No officer or man shall have any private dealings with contractors, their agents or employees, whether on an honorary basis or otherwise, which may lay him open to suspicion of being influenced in the discharge of his duty by other than purely public considerations.

(2) No officer or man shall:

- (a) give a private testimonial to a contractor regarding wares or services supplied to the Department; or
- (b) include in his correspondence with a contractor anything that might be used as a testimonial.

(15 Mar 55)

(3) No officer or man shall derive, by virtue of his status as a member of the army, any pecuniary benefit or personal advantage from any Department contract or any contract made on behalf or for the benefit of the Department.

(M)

19.40—ACCEPTANCE OF GIFTS FROM FOREIGN SOURCES

No officer or man shall, without the consent of the Minister, accept a gift, reward, or favour from any foreign sovereign, state, or functionary.

(M)

19.41—ADMISSION AND ACCEPTANCE OF LIABILITY

(1) No officer or man shall, without the authority of the Minister:

- (a) admit liability to any person who is not a member of the army; or
- (b) accept liability on behalf of the Crown;

for any loss or damage arising out of or occasioned by the performance of army duties by himself or by another.

(2) No officer or man shall, without the authority of the Minister, accept on behalf of the Crown any liability for the defence of civil or criminal proceedings brought against any other officer or man by a member of the public.

(M)

19.42—CIVIL EMPLOYMENT

(1) Subject to (3) of this article, no officer or man on full-time service shall engage in any civil employment or undertaking which in the opinion of his commanding officer:

- (a) is or is likely to be detrimental to the interests of the army; or
- (b) reflects or is likely to reflect discredit upon the army; or
- (c) in the case of officers and men of the Canadian Army (Regular), is continuous.

19.42—CIVIL EMPLOYMENT (Cont'd)

(2) No officer or man on full-time service shall authorize the use of his name or photograph in connection with any commercial product, except so far as his name may be part of a firm name.

(3) Except that he shall not engage in any civil employment or undertaking which reflects or is likely to reflect discredit upon the army, the provisions of this article shall not apply to an officer or man who is:

- (a) on leave immediately preceding release; or
- (b) on leave without pay.

(M)

19.43—DIRECTORSHIPS AND INTEREST IN COMPANIES

(1) Subject to (2) of this article, no officer or man of the Canadian Army (Regular), or of the Reserves on active service, shall serve as a director of any company, unless:

- (a) the company is a private one;
- (b) stock of the company is neither sold nor quoted on the open market; and
- (c) approval from Army Headquarters is obtained.

(2) When any part of the army is on active service, an officer or man of the Reserves may retain any directorships he held prior to being placed on active service.

(M)

19.44—POLITICAL ACTIVITIES AND CANDIDATURE FOR OFFICE

(1) No commanding officer shall:

- (a) allow a political meeting to be held or a political speech to be delivered at his station or unit; or
- (b) allow a candidate in a federal, provincial, or municipal election or a political agent or canvasser to visit his station or unit for the purpose of carrying on political activities unless authorized by or under the *Canada Elections Act* or by service instructions or orders. (11 Feb 58)

(2) No officer or man of the Canadian Army (Regular) shall:

- (a) take any active part in the affairs of any political organization or party; or
- (b) issue an address to electors, or announce himself or allow himself to be announced as a candidate, or prospective candidate, for election to the Parliament of Canada or a provincial legislature; or
- (c) except with the permission of the Chief of the General Staff, accept any office in any municipal corporation or other local government body or allow himself to be nominated for election to such office.

(3) No officer or man shall institute or take part in any party or political meeting at any station, unit, or property occupied by the army.

(M)

(19.45 TO 19.50 INCLUSIVE: NOT ALLOCATED)**Section 4—Legal Proceedings by Civil Power****19.51—OPERATION OF CIVIL LAW**

(1) Officers and men remain subject to the civil law, except as prescribed in *The National Defence Act*.

(2) The civil police have power to arrest an officer or man whether or not he is at a station or unit.

(3) A commanding officer shall afford every facility to the civil power in detecting and apprehending officers and men serving at his station or unit whose arrest is required on any criminal charge; but he shall require any constable or other civil officer to produce his warrant or show satisfactory evidence of the character in which he acts.

(M)

(19.52: RESERVED—NAVY AND AIR FORCE)**(19.53: NOT ALLOCATED)****(19.54: RESERVED—NAVY)****19.55—ATTENDANCE AS WITNESS IN CIVIL COURTS**

(1) An officer or man who has been subpoenaed to appear as a witness in a civil court shall appear on the date specified in the subpoena.

(2) An officer or man who intends to appear voluntarily as a witness in a civil court shall request permission from his commanding officer to do so.

(3) When an officer or man who has been subpoenaed or who intends to appear voluntarily as a witness in civil court considers that:

- (a) the evidence which he may give or the documents he may be called upon to produce will entail the revelation of material classified as confidential or higher; or
- (b) the public interest would be otherwise adversely affected;

he shall so inform his commanding officer.

(4) When a commanding officer receives information in accordance with (3) of this article he shall:

- (a) if the officer or man intends to appear voluntarily, refuse permission to appear; and
- (b) if the officer or man has been subpoenaed
 - (i) immediately communicate by message direct with Army Headquarters, requesting instructions, and
 - (ii) direct the attention of the officer or man concerned to the provisions of (6) of this article.

19.55—ATTENDANCE AS WITNESS IN CIVIL COURTS (Cont'd)

(5) If on receipt at Army Headquarters of a message described in (4)(b) of this article it is considered the evidence or documents should not be given or produced, the matter shall be referred to the Minister so that he may make a claim of privilege if necessary.

(6) When instructions have been requested from Army Headquarters as prescribed in (4) of this article but have not been received by the time the officer or man appears as a witness, the officer or man shall inform the court of those facts and shall request that his evidence or the production of documents be deferred until he has received instructions.

(M)

19.56—REPORT OF ARREST BY CIVIL POWER

When an officer or man has been arrested by the civil power he shall cause his arrest to be reported to his commanding officer.

(M)

19.57—OFFICER IN ATTENDANCE AT TRIAL BY CIVIL POWER

(1) If a commanding officer receives information that an officer or man under his command is charged with an offence before a civil court he shall detail an officer from the unit to attend and watch the proceedings unless:

- (a) the offence charged is a minor one under a highway traffic act or local ordinance; or
- (b) the distance from the unit to the place of trial is so great as to make the detailing of an officer impractical.

(2) If it is impractical to detail an officer to attend and watch the proceedings because of the distance from the unit to the place of trial, the commanding officer shall, if the offence is not one coming within (1)(a) of this article, submit a report to the officer commanding the command. The officer commanding the command shall decide whether it is advisable for an officer to be present at the trial and, if so, whether an officer shall be detailed from the unit of the accused or from some other unit nearer the place of trial. In the latter case the commanding officer of the accused shall communicate direct with the unit from which the officer is to proceed and shall forward all necessary information and documents for the use of the attending officer.

(M)

19.58—PAYMENT OF FINES AND COSTS

(1) The commanding officer may authorize the payment from public funds, with the consent of the accused, of any fine and costs imposed which the accused could not otherwise pay.

(2) Before authorizing payment in accordance with (1) of this article, the commanding officer shall consider in connection with the accused:

- (a) the state of his pay account;
- (b) his general character;
- (c) whether his services are urgently required; and

19.58—PAYMENT OF FINES AND COSTS (Cont'd)

(d) whether, if he is convicted, an application is likely to be made for his release from the army.

(3) When a payment is made on behalf of the accused under (1) of this article the commanding officer shall ensure that the total amount of that payment is recovered from the accused. (*See article 208.21—"Fines Imposed by Civil Court".*)

(G)

19.59—DUTIES OF ATTENDING OFFICER PRIOR TO TRIAL

(1) Prior to the trial of an officer or man before a civil court the attending officer shall:

(a) obtain a statement of the accused's

(i) record of service,

(ii) pay account, and

(iii) service conduct generally; and

(b) ascertain whether the commanding officer authorizes him in accordance with article 19.58 to pay any fine imposed.

(2) Prior to the trial of an officer or man before a civil court the attending officer shall inform the accused that his duties do not include acting in any way as the accused's solicitor, counsel, or advocate.

(M)

19.60—DUTIES OF ATTENDING OFFICER DURING TRIAL

(1) An attending officer shall, if requested by the court, give the court:

(a) all information in his possession as to the service conduct generally of the accused; and

(b) full particulars of any previous conviction of the accused of an offence under

(i) section forty-one of *The Army Act*, or

(ii) section one hundred and nineteen of *The National Defence Act*.

(2) No attending officer shall:

(a) give particulars of any previous convictions of the accused other than those specified in (1)(b) of this article; or

(b) produce the conduct sheets of the accused; or

(c) act in any way as the accused's solicitor, counsel, or advocate.

(M)

19.61—CERTIFICATE OF CONVICTION

If an officer or man is convicted or bound over or otherwise dealt with by a civil court his commanding officer shall obtain a certificate of conviction or a certified copy of the order of the court. (*See section two hundred and three of The National Defence Act.*)

(M)

19.62—ACTION FOLLOWING CONVICTION BY CIVIL POWER

(1) When a commanding officer receives information that an officer or man has been convicted by a civil court he shall, unless the offence was a minor one under a highway traffic act or local ordinance, forward to the officer commanding the command or area commander:

- (a) a certificate of conviction;
- (b) the conduct sheet of the offender;
- (c) his recommendation as to whether the offender should be retained in the army; and
- (d) if the offender was a man, his recommendations as to whether he should be reverted for misconduct.

(2) When a report under (1) of this article is in respect of:

- (a) an officer;
- (b) a man sentenced to imprisonment; or
- (c) a man recommended to be reverted for misconduct;

the officer commanding the command or area commander shall forward it to Army Headquarters with information as to the action taken, or his recommendations.

(M) (HQ 1733-19) (15 Feb 52)

(19.63 TO 19.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 20
(NOT ALLOCATED)

CHAPTER 21

SUMMARY INVESTIGATIONS AND BOARDS OF INQUIRY

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—Summary Investigations

21.01—GENERAL

(1) In this chapter “summary investigation” means an investigation, other than a board of inquiry, ordered by the officer commanding the command, the area commander or the commanding officer.

(2) When he requires to be informed on any matter connected with his formation, station or unit or affecting an officer or man under his command, and a board of inquiry is not required by these regulations nor ordered by superior authority, the officer commanding the command, the area commander or the commanding officer may conduct a summary investigation into that matter in such manner as he sees fit.

(3) Subject to (4) of this article, the report of a summary investigation may be in synopsis form and on completion, if required to be forwarded to higher authority, shall include the recommendations of the officer who ordered the summary investigation.

(4) When a summary investigation concerns an occurrence the nature of which requires or warrants specific findings, the report shall contain findings and recommendations and all information that would normally be contained in the minutes of a board of inquiry.

(5) The ordering of a summary investigation does not preclude the subsequent convening of a board of inquiry.

(M)

(11 Aug 58)

(21.02 TO 21.06 INCLUSIVE: NOT ALLOCATED)

Section 2—Boards of Inquiry—General

21.07—CONVENING AUTHORITIES—BOARDS OF INQUIRY

(1) Section 43 of the *National Defence Act* provides:

“43. The Minister, and such other authorities as he may prescribe or appoint for that purpose, may, where it is expedient that he or any such other authority should be informed on any matter connected with the government, discipline, administration or functions of the Canadian Forces or affecting any officer or man, convene a board of inquiry for the purpose of investigating and reporting on that matter.”.

21.07—CONVENING AUTHORITIES—BOARDS OF INQUIRY (Cont'd)

(2) A board of inquiry may be convened by:

- (a) the Minister;
- (b) the Chief of the General Staff;
- (c) an officer commanding a command;
- (d) an area commander; and
- (e) a commanding officer.

(M)

(11 Aug 58)

21.08—COMPOSITION OF BOARDS OF INQUIRY

(1) A board of inquiry shall be composed of two or more officers, or two or more officers together with one or more warrant officers, as determined by the convening authority.

(2) In determining the composition of a board of inquiry the convening authority shall:

- (a) appoint a commissioned officer, when practical not below the rank of captain, as president;
- (b) when practical, appoint as president an officer equal or superior in rank to any officer whose reputation may be affected as a result of the investigation;
- (c) not appoint as a member an officer senior in rank to the president;
- (d) not appoint as a member an officer or warrant officer officially connected with or having a personal interest in the investigation or likely to be called as a witness;
- (e) not appoint a warrant officer as a member when the findings may result in disciplinary action being taken against an officer or warrant officer;
- (f) appoint only medical officers to a medical board of inquiry; and
- (g) if practical, when the investigation may involve technical or professional knowledge or skill, include at least one member with the required qualifications.

(M)

(11 Aug 58)

21.09—TERMS OF REFERENCE

The convening authority shall provide a board of inquiry with written terms of reference containing full and specific instructions as to:

- (a) the investigation to be undertaken;
- (b) the information required;
- (c) the matters on which findings or recommendations are required; and
- (d) the security classification of the matter to be investigated.

(M)

(11 Aug 58)

21.10—EVIDENCE

- (1) A board of inquiry shall:
- (a) receive and record all available evidence which is relevant;
 - (b) attach as exhibits to the original minutes all relevant documents produced; and
 - (c) attach a certified true copy of each exhibit to each copy of the minutes.
- (2) Unless the convening authority otherwise directs, all evidence before a board of inquiry shall be taken on oath.
- (3) A witness testifying on oath before a board of inquiry shall:
- (a) take the following oath:
“I swear by Almighty God that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth.”; or
 - (b) when he objects to taking the oath, make the following solemn affirmation:
“I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth.”.
- (4) When in the opinion of the president, the evidence at any time during the sitting of a board of inquiry appears likely to affect adversely an officer or man, the president may, in addition to receiving his evidence as a witness, permit the officer or man to examine any evidence taken before his being called as a witness, to be present during the remainder of the inquiry and to make a statement. The officer or man concerned may request the president to:
- (a) ask a witness any further questions; and
 - (b) call any further witnesses;
- and any such request shall be recorded in the minutes.

(M) (11 Aug 58)

21.11—TIME AND PLACE OF ASSEMBLY

- (1) Unless otherwise specified in the convening order, the president of a board of inquiry shall fix the time and place for its assembly and shall cause notice of the sittings to be given to all members of the board, witnesses, and other persons interested.
- (2) A board of inquiry may be re-assembled as often as necessary to:
- (a) examine additional witnesses;
 - (b) further examine any witnesses; or
 - (c) make any additional findings or recommendations.

(M) (11 Aug 58)

21.12—MEETINGS NOT OPEN TO THE PUBLIC

Unless the convening authority otherwise directs, a board of inquiry shall exclude from its meetings all persons except:

- (a) a witness under examination;
- (b) an officer or man whose presence is permitted under (4) of article 21.10 or under article 21.14; and
- (c) a person whose attendance is required by the president.

(M) (11 Aug 58)

21.13—ATTENDANCE OF WITNESSES NOT SUBJECT TO THE CODE OF SERVICE DISCIPLINE

(1) The president of a board of inquiry may request a person not subject to the Code of Service Discipline to:

- (a) attend as a witness; or
- (b) make a statement in writing;

but no such person may be compelled to attend as a witness or make a statement in writing.

(2) A witness who attends in accordance with this article shall be entitled to fees and expenses authorized in article 210.60 (Civilian Witnesses—Fees and Expenses).

(M) (11 Aug 58)

21.14—WHEN ADVISER TO BOARD PERMITTED

The convening authority may appoint or arrange for the attendance of civilian or service specialists to act as advisers to a board of inquiry.

(M) (11 Aug 58)

21.15—PROCEDURE ON COMPLETION OF A BOARD OF INQUIRY

(1) The minutes of a board of inquiry shall be:

- (a) signed by the president and each member; and
- (b) unless otherwise directed by the convening authority, submitted by the president
 - (i) direct to the convening authority, or
 - (ii) to the commanding officer if convened under article 21.56 (Investigation of Aircraft Accidents).

(2) When the members are unable to agree on a matter within their terms of reference, a dissenting member shall state his opinion in writing for transmission with the minutes.

(3) The convening authority and any other authority through whom the minutes are transmitted shall record on the minutes his concurrence in or opinion of the report, findings or recommendations.

(M) (11 Aug 58)

21.16—ADMISSIBILITY OF MINUTES

Except in relation to a charge of giving false evidence before a board of inquiry, the minutes of a board of inquiry shall not be admitted as evidence or used at a service tribunal. (*For inadmissibility in proceedings before a civil court see article 19.55—"Attendance as Witness in Civil Courts".*)

(M) (11 Aug 58)

(21.17: NOT ALLOCATED)

Section 3—Special Provisions Concerning Summary Investigations and Boards of Inquiry

21.18—INVESTIGATION OF SEVERAL MATTERS

When several matters, for each of which a summary investigation or board of inquiry would normally be assembled, arise out of the same occurrence the appropriate authority may:

- (a) order one summary investigation or convene one board of inquiry to investigate all those matters; or
- (b) if he considers that they cannot be suitably dealt with by one summary investigation or board of inquiry, order separate summary investigations or boards of inquiry.

(M)

(11 Aug 58)

21.19—WHEN CLAIM BY OR AGAINST THE CROWN APPEARS LIKELY

(1) If it appears at a summary investigation or board of inquiry inquiring into any occurrence that a claim by or against the Crown may arise, the authority who ordered the summary investigation or convened the board of inquiry shall be informed immediately.

(2) When the appropriate authority receives information under (1) of this article he shall order an investigation as prescribed in Section 4 (Claims By and Against the Crown).

(M)

(11 Aug 58)

(21.20: NOT ALLOCATED)

Section 4—Claims by and against the Crown

21.21—INVESTIGATION OF CLAIMS BY OR AGAINST THE CROWN

A board of inquiry concerning an occurrence which involves or may involve a claim by or against the Crown shall:

- (a) proceed as prescribed by or under the authority of the Governor in Council (*see Appendix IV*) or in orders issued by the Chief of the General Staff; and
- (b) comply with this chapter except so far as it may be inconsistent with (a) of this paragraph.

(M)

(11 Aug 58)

(21.22 TO 21.40 INCLUSIVE: NOT ALLOCATED)

Section 5—Missing or Absent Officers and Men

21.41—GENERAL

(1) When an officer or man is missing and in the opinion of his commanding officer his absence is neither voluntary (*see article 21.43*), nor due to enemy action (*see article 21.44*), the commanding officer shall investigate and submit a full report to the officer commanding the command or the area commander.

21.41—GENERAL (Cont'd)

(2) Upon receipt of a report made under (1) of this article the officer commanding the command or the area commander may:

- (a) order a summary investigation; or
- (b) convene or order the convening of a board of inquiry.

(3) A summary investigation or board of inquiry held on a missing officer or man shall make findings as to:

- (a) the circumstances in which the officer or man is missing; and
- (b) whether it is considered that the officer or man is dead, and, if so, the probable date of death.

(M) (11 Aug 58)

(21.42: NOT ALLOCATED)**21.43—INVESTIGATION OF ILLEGAL ABSENCE**

(1) The commanding officer shall investigate the illegal absence of an officer or man as soon as practicable after the expiration of twenty-one full days from the date of commencement of the absence. (*See article 1.08—"Calculation of Time".*)

(2) The investigation shall determine:

- (a) the date and hour of the commencement of the illegal absence;
- (b) whether the officer or man has returned between that date and the date on which the investigation is held;
- (c) whether the officer or man is still absent; and
- (d) the items of personal equipment which the officer or man left at the station or unit and which have been impounded.

(3) When it is determined that the officer or man absented himself without authority, and is still so absent after twenty-one full days, the commanding officer shall make an appropriate entry in unit orders showing the findings determined under (2)(a), (b) and (c) of this article.

(M) (11 Aug 58)

21.44—INVESTIGATION ON AN OFFICER OR MAN MISSING DUE TO ENEMY ACTION

The commanding officer shall order a summary investigation when an officer or man is missing due to enemy action, and report the results of the investigation to Army Headquarters in the manner prescribed by the Chief of the General Staff.

(M) (11 Aug 58)

(21.45: NOT ALLOCATED)**Section 6—Personal Injuries and Death****21.46—INVESTIGATION OF INJURY AND DEATH**

(1) This article shall apply to an officer or man of:

- (a) the Canadian Army (Regular);
- (b) the Reserves when he is on duty; and
- (c) the Active Service Force.

21.46—INVESTIGATION OF INJURY AND DEATH (Cont'd)

(2) The commanding officer shall order a summary investigation or convene a board of inquiry when an officer or man dies otherwise than as a result of wounds received in action.

(3) The commanding officer shall order a summary investigation or convene a board of inquiry when an officer or man suffers an injury which:

(a) a medical officer certifies to be

(i) serious, or

(ii) likely to cause a permanent disability; or

(b) is suspected to be the result of his own wilful act.

(4) A report of a summary investigation ordered under (2) or (3) of this article shall be submitted to higher authority in the same manner as the minutes of a board of inquiry.

(M)

(11 Aug 58)

21.47—FINDINGS ON INJURY OR DEATH

The report of a summary investigation or the minutes of a board of inquiry submitted in accordance with article 21.46 shall contain findings as to:

(a) the cause of the injury or death;

(b) whether the deceased or injured officer or man was on duty at the time of the injury or death;

(c) whether the deceased or injured officer or man or any other person was to blame for the injury or death; and

(d) whether the injury or death was attributable to military service as such.

(M)

(11 Aug 58)

21.48—CLAIMS FOR COMPENSATION ARISING FROM INJURY OR DEATH

When a summary investigation or board of inquiry finds that an officer or man was killed or injured through the fault of some other person, it shall record whether the officer or man, or his personal representative, has:

(a) received; or

(b) been offered; or

(c) claimed, or intends to claim;

compensation from the person at fault.

(M)

(11 Aug 58)

(21.49 AND 21.50: NOT ALLOCATED)

Section 7—Accidents Involving Service Vehicles

21.51—CONVENING OF BOARDS OF INQUIRY ON ACCIDENTS INVOLVING MOBILE EQUIPMENT

Subject to article 21.71 (Loss of or Damage to Public Property), when mobile equipment is involved in an accident, the commanding officer may convene a board of inquiry. (See article 21.08—“Composition of Boards of Inquiry”.)

(M)

(11 Aug 58)

(21.52 TO 21.54 INCLUSIVE: NOT ALLOCATED)

Section 8—Aircraft Accidents

21.55—DEFINITION OF “AIRCRAFT ACCIDENT”

“Aircraft accident” means an event involving an aircraft that is not caused by enemy action and that occurs:

- (a) between the time the engine is started with an intent for flight and the time the aircraft comes to rest with the engine stopped for normal deplaning, and that results in damage to any portion of the airframe, (*air accident*); or
- (b) at any time when there is no intent for flight and that results in damage to any portion of the aircraft, or death or injuries to personnel, or damage to property, (*ground accident*).

(M)

(HQ 1733-21)

(25 Jul 61)

21.56—INVESTIGATION OF AIRCRAFT ACCIDENTS

(1) When an aircraft accident occurs the commanding officer shall report it in accordance with orders issued by the Chief of the General Staff.

(2) When an aircraft accident involves personnel or property of more than one Service, the remainder of this article shall not apply and an investigation shall be conducted in accordance with Section 11 (Joint Boards of Inquiry).

(3) The officer commanding the command or the area commander shall convene a board of inquiry to investigate an aircraft accident when:

- (a) a person is killed or seriously injured; or
- (b) there is evidence of neglect or default involving the loss of or damage to an aircraft.

(4) The commanding officer shall convene a board of inquiry to investigate an aircraft accident when the cause of the accident is obscure.

(M)

(11 Aug 58)

21.57—FINDINGS REQUIRED BY A BOARD OF INQUIRY ON AN AIRCRAFT ACCIDENT

A board of inquiry convened to investigate an aircraft accident shall make findings:

- (a) as to the cause of the accident;
- (b) as to whether all flying and aircraft maintenance orders were complied with; and
- (c) if an officer or man was killed or injured in the accident, in accordance with article 21.47 (Findings on Injury or Death).

(M)

(11 Aug 58)

(21.58 TO 21.60 INCLUSIVE: NOT ALLOCATED)

Section 9—Fire, Explosion or Similar Occurrence

21.61—INVESTIGATION OF A FIRE

(1) When a fire, explosion or similar occurrence damages or destroys public or non-public property, the commanding officer shall report it immediately to the officer commanding the command or the area commander (*see article 30.05—“Reporting a Fire”*).

(2) When a report under (1) of this article is received, the officer commanding the command or the area commander may:

- (a) order a summary investigation; or
- (b) convene or order the convening of a board of inquiry.

(M)

(11 Aug 58)

21.62—PROCEEDINGS OF INVESTIGATION ON A FIRE

The report of a summary investigation or the minutes of a board of inquiry inquiring into a fire shall include:

- (a) copies of fire orders and any special fire instructions in effect at the time of the fire;
- (b) a list of the property destroyed or damaged showing
 - (i) the original cost,
 - (ii) the estimated depreciation, and
 - (iii) the estimated cost of repairs and replacements;
- (c) a sketch or plan and, when practical, photographs of any building involved in the fire, and the immediate locality;
- (d) the most recent report of the fire prevention committee; and
- (e) any other relevant documents produced.

(M)

(11 Aug 58)

21.63—FINDINGS AND RECOMMENDATIONS ON A FIRE

A summary investigation or board of inquiry inquiring into a fire shall:

- (a) make findings as prescribed in orders issued by the Chief of the General Staff; and
- (b) when appropriate, make recommendations for the
 - (i) improvement of existing fire precautions, and
 - (ii) prevention of future fires.

(M)

(11 Aug 58)

21.64—EXPLOSION OR SIMILAR OCCURRENCE

A summary investigation or board of inquiry inquiring into an explosion or similar occurrence shall comply as far as practicable with articles 21.62 and 21.63.

(M)

(11 Aug 58)

(21.65 TO 21.70 INCLUSIVE: NOT ALLOCATED)

Section 10—Public or Non-Public Property

21.71—LOSS OF OR DAMAGE TO PUBLIC PROPERTY

- (1) This article shall not apply when an investigation involves:
- (a) an aircraft accident; or
 - (b) a fire, explosion or similar occurrence; or
 - (c) a claim by or against the Crown.
- (2) When public property is lost, stolen, damaged or destroyed otherwise than by enemy action or by efforts to avoid enemy action, the commanding officer shall report it immediately to the officer commanding the command of the area commander unless:
- (a) it is within his powers to write off the loss (*see articles 29.08—“Powers of Write-off—Works and Buildings” and 36.20—“Powers of Write-Off—Materiel”*); or
 - (b) the damage does not exceed \$50.00.
- (3) When a report submitted under (2) of this article or under article 203.04 (Overpayment and Losses) is received, the officer commanding the command or the area commander may:
- (a) order a summary investigation; or
 - (b) convene or order the convening of a board of inquiry.

(M)

(11 Aug 58)

21.72—LOSS OF OR DAMAGE TO NON-PUBLIC PROPERTY

- (1) Subject to Section 9 (Fire, Explosion or Similar Occurrence), when a loss of or damage to non-public property is discovered the commanding officer shall, unless he adjusts the loss or damage under article 27.26 (Adjustment of a Loss of or Damage to Non-Public Property) make a complete report to the officer commanding the command or the area commander.
- (2) When a report made under (1) of this article is received, the officer commanding the command or the area commander may:
- (a) order a summary investigation; or
 - (b) convene or order the convening of a board of inquiry.

(M)

(11 Aug 58)

21.73—INVESTIGATION INTO LOSS OR DAMAGE DUE TO A CRIMINAL OFFENCE

- (1) In addition to action taken under article 21.71 or 21.72, when loss of or damage to public or non-public property is suspected to be the result of a criminal offence, action shall be taken in accordance with orders issued by the Chief of the General Staff.
- (2) When a civilian who is not subject to the Code of Service Discipline is suspected of implication in theft or other offence involving loss of or damage to public or non-public property, the commanding officer shall:
- (a) immediately inform the civil police authorities; and
 - (b) leave to the police or other civil authorities any questioning of the suspected civilian.

(M)

(11 Aug 58)

(21.74: NOT ALLOCATED)

21.75—CONVENING OF A BOARD OF INQUIRY ON MISSING CLASSIFIED MATERIEL

When any materiel classified higher than RESTRICTED is missing, the commanding officer shall immediately inform the officer commanding the command or the area commander and order an investigation in accordance with instructions issued by the Chief of the General Staff.

(M)

(11 Aug 58)

Section 11—Joint Boards of Inquiry**21.76—PROCEDURE FOR A JOINT BOARD OF INQUIRY**

Except as provided in articles 21.77 and 21.78, the provisions of this chapter which apply to a board of inquiry shall apply to a joint board of inquiry.

(M)

(11 Aug 58)

21.77—CONVENING OF A JOINT BOARD OF INQUIRY

A joint board of inquiry may be convened to investigate an incident involving personnel or property of more than one Service and shall be:

- (a) convened by the appropriate convening authority of one of the Services involved, by agreement between the Services concerned; and
- (b) composed of any combination of officers from the Services concerned.

(M)

(11 Aug 58)

21.78—PROCEDURE ON COMPLETION OF A JOINT BOARD OF INQUIRY

(1) The requisite number of copies of the minutes of a joint board of inquiry shall be completed for each Service involved, and transmitted in accordance with article 21.15.

(2) The convening authority shall:

- (a) record on the minutes his concurrence in or opinion of the findings or recommendations of the joint board of inquiry; and
- (b) forward copies of the minutes direct to
 - (i) each Service formation or unit involved, and
 - (ii) the Headquarters of each Service concerned.

(M)

(11 Aug 58)

(21.79 TO 21.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 22

PROVOST SERVICES

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

22.01—APPOINTMENT OF PROVOST OFFICERS

- (1) The Chief of the General Staff may appoint:
 - (a) an officer as Provost Marshal of the army; and
 - (b) an officer as Deputy Provost Marshal; and (28 May 54)
 - (c) additional officers to be employed on Service police duties. (30 Sep 57)
 - (2) The method of appointment under (1) of this article shall be by transferring or posting the officer concerned to an appropriate established position.
- (M)

22.02—POWERS OF SPECIALLY APPOINTED PERSONNEL

- (1) Section 129 of the *National Defence Act* provides:

“129. Such officers and men as are appointed under regulations for the purposes of this section may

 - (a) detain or arrest without a warrant any person who is subject to the Code of Service Discipline, regardless of the rank or status of that person, who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence; and
 - (b) exercise such other powers for carrying out the Code of Service Discipline as are prescribed in regulations made by the Governor in Council”.
 - (2) Every officer appointed under article 22.01, and every man employed on service police duties and qualified in the trade of service policeman, may be referred to as a provost officer or provost man and is appointed for the purposes of section 129 of the *National Defence Act*.
 - (3) An officer or man specified in (2) of this article may, subject to (4) and (5) of this article, search the personal equipment and belongings or the person of any person who is subject to the Code of Service Discipline when that person has committed, is found committing, is suspected of being about to commit, or is suspected of or charged with having committed, a service offence.
 - (4) A search under (3) of this article shall, when practical, be conducted under the direction and in the presence of an officer.
 - (5) No female person shall be searched except by a female.
- (G) (PC 1957-8/1392 of 24 Oct 57) (HQ 1733-22) (24 Oct 57)

22.03—RESPONSIBILITIES OF PROVOST OFFICERS

The responsibilities of officers appointed under article 22.01 shall be as prescribed by the Chief of the General Staff.

- (C) (25 Oct 54)

(22.04: RESERVED—AIR FORCE)

(22.05: NOT ALLOCATED)

22.06—GUARD REPORTS

(1) A report shall be made by the officer or man in charge of a guard room, detention room, or detention barrack on each person:

- (a) placed in his care under close custody or to undergo sentence; or (24 Dec 51)
- (b) confined in a hospital under escort supplied by the station or unit.

(2) The report prescribed in (1) of this article shall be made to the commanding officer:

- (a) on the day the person is admitted to custody;
- (b) on the first day an escort is supplied for a man confined to hospital; and
- (c) subsequently
 - (i) if the man is not undergoing sentence, daily, or
 - (ii) if the man is undergoing sentence, forty-eight hours prior to the expected time of release from custody.

(3) Each report shall contain:

- (a) the number, rank, name, and unit of the person in custody;
- (b) the date on which the person was first received into custody;
- (c) the offence with which he has been charged or for which a sentence has been imposed;
- (d) the authority by whose order the person was confined; and
- (e) the time yet to be served, if a punishment of detention has been imposed.

(C)

(22.07 TO 22.99 INCLUSIVE: NOT ALLOCATED)

DUTIES IN AID OF THE CIVIL POWER

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

23.01—GENERAL

(1) Part XI of *The National Defence Act* contains the statutory provisions dealing with the liability of the Canadian Forces to be called out for service in aid of the civil power.

(2) The provisions of this chapter do not relate to the employment of the Canadian Forces in the event of a national disaster. *(See section thirty-five of The National Defence Act and Chapter 31.)*

(C)

23.02—DEFINITIONS

Section two hundred and seventeen of *The National Defence Act* provides:

“217. For the purposes of this Part,

- (a) “Attorney General” means the Attorney General of any province of Canada, or the acting Attorney General of a province, or any minister of a government of a province performing for the time being the duties of a provincial Attorney General;
- (b) “Officer Commanding a Command” means an officer commanding a Canadian Army Command if he is present in the command and able to act, or if he is not so present, or is from sickness or other cause unable to act, the officer appointed to administer the command or for the time being performing the duties of the officer commanding the command.”

(C)

23.03—CANADIAN FORCES LIABLE TO BE CALLED OUT TO SUPPRESS RIOT

Section two hundred and eighteen of *The National Defence Act* provides:

“218. The Canadian Forces, or any unit or other element thereof, or any officer or man, with materiel, are liable to be called out for service in aid of the civil power, in any case in which a riot or disturbance of the peace requiring such service occurs, or is, in the opinion of an Attorney General, considered as likely to occur, and that is beyond the powers of the civil authorities to suppress, prevent, or deal with.”

(C)

23.04—EXCEPTION IN CASE OF CERTAIN RESERVES

Section two hundred and nineteen of *The National Defence Act* provides:

“219. Nothing in this Part shall be deemed to impose liability to serve in aid of the civil power, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.”

(C)

23.05—ATTORNEY GENERAL OF PROVINCE MAY REQUISITION CANADIAN ARMY

Section two hundred and twenty of *The National Defence Act* provides:

“220. In any case where a riot or disturbance occurs, or is considered as likely to occur, the Attorney General of the province in which is situated the place where the riot or disturbance occurs, or is considered as likely to occur, on his own motion, or upon receiving notification from a judge of a superior, county or district court having jurisdiction in that place that the services of the Canadian Forces are required in aid of the civil power, may by requisition in writing, signed by him and addressed to the Officer Commanding a Command of the command in which that place is situated, require the Canadian Army or such part thereof as the authorities hereinafter mentioned consider necessary, to be called out on service in aid of the civil power.”

(C)

23.06—REPORT UPON RECEIPT OF REQUISITION

An officer commanding a command who receives a requisition from the attorney general requiring the services of the Canadian Forces in aid of the civil power shall:

- (a) immediately take the action required by the requisition; and
- (b) report the circumstances by the most speedy means to the Chief of the General Staff.

(M)

23.07—CALL OUT OF CANADIAN ARMY IN A COMMAND

Section two hundred and twenty-one of *The National Defence Act* provides in part:

“221. (1) Upon receiving a requisition in writing made by an Attorney General under section two hundred and twenty (*article 23.05—“Attorney General of Province May Requisition Canadian Army”*), the Officer Commanding a Command shall call out such part of the Canadian Army in his Command as he considers necessary for the purpose of suppressing or preventing any actual riot or disturbance, or any riot or disturbance that is considered as likely to occur.”

(C)

23.08—CALL OUT OF CANADIAN ARMY IN OTHER COMMANDS

(1) Section two hundred and twenty one of *The National Defence Act* provides in part:

“221. (2) Where the Officer Commanding a Command mentioned in subsection one (*article 23.07—“Call Out of Canadian Army in a Command”*) considers that the services of parts of the Canadian Army in commands other than his command are necessary or desirable for the purpose of suppressing or preventing the riot or disturbance mentioned in the requisition, he shall notify the Chief of the General Staff of the number of officers and men, and of the materiel therefor, that he requires, as to which the Officer Commanding a Command shall be the sole judge; and upon being so notified the Chief of the General Staff may call out such parts of the Canadian Army and provide such materiel as in his judgment are available to meet the requirements of the Officer Commanding a Command and shall cause them to be despatched to the Officer Commanding a Command.”

23.08—CALL OUT OF CANADIAN ARMY IN OTHER COMMANDS (Cont'd)

(2) When an officer commanding a command considers that the provisions of (1) of this article should be invoked, he shall notify the Chief of the General Staff in accordance with those provisions.

(3) When the Chief of the General Staff receives a notification prescribed in (2) of this article he:

- (a) may comply with the notification, and
 - (i) call out such parts of the Canadian Army in other commands as he sees fit, and
 - (ii) provide such materiel as he considers is available to meet the requirements of the situation; or
- (b) may decline to act upon the notification.

(M)

23.09—CALL OUT OF NAVY AND AIR FORCE

Section two hundred and twenty-one of *The National Defence Act* provides in part:

“221. (3) Where the Officer Commanding a Command mentioned in subsection one (*article 23.07—“Call Out of Canadian Army in a Command”*) has called out or caused to be called out any part of the Canadian Army in aid of the civil power, and considers that the services of any part of the Royal Canadian Navy or of the Royal Canadian Air Force are necessary or desirable for the purpose of assisting that part of the Canadian Army so called out, he may address to the Minister, through the Chief of the General Staff, a request stating the nature and extent of the assistance from the Royal Canadian Navy or from the Royal Canadian Air Force which in the circumstances the Officer Commanding a Command requires; and the Chief of the Naval Staff or the Chief of the Air Staff, as the case may be, if the Minister so directs, shall call out such part of the Royal Canadian Navy or of the Royal Canadian Air Force, and equipment therefor, as the Minister considers necessary or desirable for the purpose of meeting the request.”

(C)

(23.10: NOT ALLOCATED)**23.11—COMMAND OF CANADIAN ARMY CALLED OUT**

When parts of the Canadian Army only have been called out on service in aid of the civil power, the command of those parts shall be exercised:

- (a) if the Canadian Army has been called out from one command only, by the officer commanding that command or such officer as he may designate; or
- (b) if parts of the Canadian Army have been called out from more than one command, by an officer designated by
 - (i) the Chief of the General Staff, or
 - (ii) such officer as the Chief of the General Staff may direct.

(M)

23.12—COMMAND WHEN NAVY OR AIR FORCE ARE CALLED OUT TO ASSIST ARMY

When a part of the Royal Canadian Navy or the Royal Canadian Air Force has been called out to assist the Canadian Army pursuant to article 23.09 (*Call Out of Navy and Air Force*), command shall be exercised as follows:

- (a) if units of the navy or air force are operating in their normal service role, command of such units shall be exercised by an officer of the service concerned designated by the appropriate flag officer in the case of naval units and by the appropriate air officer commanding or group commander in the case of air force units, but the officer commanding naval units or air force units, as the case may be, shall be responsible to the officer of the army in command of those parts of the Canadian Army which have been called out on service in all matters except those affecting the tactical employment of ships or aircraft; and
- (b) in the case of naval or air force personnel acting in the role of temporary emergency reinforcements to parts of the army called out on service the command shall be exercised by the army officer mentioned in (a) of this article in such manner as he shall deem to best fit the exigencies of the tactical situation.

(M)

23.13—FORM OF REQUISITION

Section two hundred and twenty-two of *The National Defence Act* provides:

“222. A requisition of an Attorney General under this Part may be in the following form, or to the like effect, and the form may, subject to section two hundred and twenty-three (*article 23.14—“Supplementary Provisions Respecting Requisitions”*), be varied to suit the facts of the case:—

Province of

To wit

Whereas information has been received by me from responsible persons (or a notification has been received by me from a judge of a (superior) (county) (district) court having jurisdiction in) that a riot or disturbance of the peace beyond the powers of the civil authorities to suppress (or to prevent or to deal with) and requiring the aid of the Canadian Forces to that end has occurred and is in progress (or is considered as likely to occur) at

And whereas it has been made to appear to my satisfaction that the Canadian Forces are required in aid of the civil power;

Now therefore I, , the Attorney General of , under and by virtue of the powers conferred by the National Defence Act, do hereby require you to call out the Canadian Army or such part thereof as you consider necessary for the purpose of suppressing (or preventing or dealing with) the riot or disturbance and, if it is deemed necessary or desirable by the appropriate authorities, I do hereby request that such other Services of the Canadian Forces as are under that Act liable to be called out in aid of the civil power be so called out for the purpose of assisting the Canadian Army;

And for and on behalf of the Province of

, I the said

Attorney General, hereby undertake that all expenses and costs, incurred by His Majesty by reason of the Canadian Forces or any part thereof being called

23.13—FORM OF REQUISITION (Cont'd)

out on service in aid of the civil power pursuant to this requisition, shall be paid to His Majesty by the said province.

Dated at _____, this
day of _____, 19____.

Attorney General."

(C)

23.14—SUPPLEMENTARY PROVISIONS RESPECTING REQUISITIONS

Section two hundred and twenty-three of *The National Defence Act* provides:

"223. (1) In a requisition made under this Part it shall be stated that information has been received by the Attorney General from responsible persons, or that a notification has been received by the Attorney General from a judge that a riot or disturbance beyond the powers of the civil authorities to suppress or to prevent or to deal with, as the case may be, has occurred, or is considered as likely to occur, and that the Canadian Forces are required in aid of the civil power; and the requisition shall further state that it has been made to appear to the satisfaction of the Attorney General that the Canadian Forces are so required.

(2) In a requisition made under this Part there shall be embodied an unconditional undertaking by the Attorney General that the province shall pay to His Majesty all expenses and costs incurred by His Majesty by reason of the Canadian Forces or any part thereof being called out for service in aid of the civil power, as by the requisition required.

(3) Every statement of fact contained in a requisition made under this Part shall be conclusive and binding upon the province on behalf of which the requisition is made, and every undertaking or promise in the requisition shall be binding upon the province and not open to question or dispute by reason of alleged incompetence or lack of authority on the part of the Attorney General or for any other reason.

(4) In every case where a requisition is made under this Part, the Attorney General of the province concerned shall, within seven days after the making of the requisition, cause an inquiry to be made into the circumstances which occasioned the calling out of the Canadian Forces or any part thereof, and shall send a report upon the circumstances to the Secretary of State.

(5) A statement of fact contained in a requisition made under this Part shall not be open to dispute by the Officer Commanding a Command upon whom the requisition is made."

(C)

23.15—EXAMINATION OF REQUISITION BY OFFICER COMMANDING A COMMAND

(1) When an officer commanding a command receives a requisition from an attorney general, he shall immediately:

- (a) examine the requisition to determine its validity by ascertaining whether it contains the information and undertaking prescribed in subsections one and two of section two hundred and twenty-three of *The National Defence Act* (see article 23.14);
- (b) if the requisition is determined to be valid, take the action required by that requisition; and

**23.15—EXAMINATION OF REQUISITION BY OFFICER COMMANDING
A COMMAND (Cont'd)**

(c) if the requisition does not appear to him to be valid, return the requisition to the attorney general with an indication of the defect in the requisition.

(2) Any statement of fact contained in a valid requisition may not be disputed by the officer commanding the command.

(M)

23.16—OFFICERS AND MEN HAVE POWERS OF CONSTABLES

Section two hundred and twenty-four of *The National Defence Act* provides:

“224. Officers and men when called out for service in aid of the civil power shall without further authority or appointment and without taking oath of office, be held to have and may exercise, in addition to their powers and duties as officers and men, all of the powers and duties of constables, so long as they remain so called out, but they shall act only as a military body, and shall be individually liable to obey the orders of their superior officers.”

(C)

23.17—DURATION OF AID OF CIVIL POWER

Section two hundred and twenty-five of *The National Defence Act* provides:

“225. The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty in such strength as the Officer Commanding a Command, who has carried into effect a requisition of an Attorney General made under this Part, deems necessary or orders, until notification is received from the Attorney General that the Canadian Forces are no longer required in aid of the civil power; and the Officer Commanding a Command may, from time to time as in his opinion the exigencies of the situation require, increase or diminish the number of officers and men called out; except that officers and men of the Royal Canadian Navy and the Royal Canadian Air Force called out to assist the Canadian Army in aid of the civil power may be withdrawn at such time and to such extent as the Chief of the Naval Staff or the Chief of the Air Staff, as the case may be, under the direction of the Minister, may order.”

(C)

(23.18: NOT ALLOCATED)**23.19—PROVINCE TO PAY EXPENSES**

Section two hundred and twenty-six of *The National Defence Act* provides:

“226. All expenses and costs incurred by His Majesty by reason of any of the Canadian Forces being called out under this Part in aid of the civil power, shall be paid to His Majesty by the province the Attorney General of which made the requisition requiring the Canadian Army to be called out.”

(C)

23.20—ACCOUNTS AND RECORDS

(1) The costs and expenses payable by a province to His Majesty as prescribed in section two hundred and twenty-six of *The National Defence Act* (see article 23.19) are those which were incurred only by reason of parts of the Canadian Forces having been called out in consequence of a requisition by the attorney general of the province concerned. These costs:

(a) do not include

- (i) the pay and allowances which in any event would have been paid to members of the Active Force and to members of the Regular Force of the Royal Canadian Navy and the Regular Force of the Royal Canadian Air Force whether or not they had been called out, and
- (ii) the cost of the rations or allowance in lieu thereof which would normally have been supplied to the Active Force and to the Regular Force of the Royal Canadian Navy and the Regular Force of the Royal Canadian Air Force called out; and

(b) do include

- (i) the pay and allowances of members of those parts of the Reserves who were called out,
- (ii) the cost of rations and quarters issued to the Reserves called out,
- (iii) the cost of any emergency meals and quarters supplied to the Active Force and to the Regular Force of the Royal Canadian Navy and the Regular Force of the Royal Canadian Air Force which would not have been supplied had they not been called out, and
- (iv) the cost of supplies such as gasoline, oil and other expendable commodities which would not have been used in the course of the normal functions of the services.

(2) Sub-paragraphs (a) and (b) of (1) of this article shall not be construed as exhaustive but shall be construed as being illustrative only.

(3) The officer commanding the command shall ensure that proper records and accounts are maintained in respect of those parts of the Canadian Forces which have been called out in consequence of a requisition from an attorney general. The records and accounts shall include:

- (a) the daily strength return;
- (b) the number of officers and men of the Active Force and of the Regular Force of the Royal Canadian Navy and of the Regular Force of the Royal Canadian Air Force;
- (c) the number of officers and men of the Reserves; and
- (d) the expenses and costs in detail, of the character prescribed in (1)(b) of this article, whether those costs have been incurred by reason of actual expenditure or by commitment only.

(4) On completion of the duty for which the Canadian Forces have been called out, the accounts and records prescribed in this article shall be forwarded by the officer commanding the command to Army Headquarters in such form as the Chief of the General Staff may prescribe.

(M)

23.21—POSITION OF THE CANADIAN FORCES IN RELATION TO THE CIVIL POWER

When any parts of the Canadian Forces are on service in aid of the civil power, they do not replace the civil power but are assisting it in the maintenance of law and order. The responsibility for the reading of the proclamation prescribed in the *Criminal Code*, commonly known as the “Proclamation Under the Riot Act”, or of making any other proclamation required by law, rests entirely with the civil power and in no way with the Canadian Forces.

(M)

23.22—ROLE OF MAGISTRATE

(1) The officer in command of those parts of the Canadian Army which have been called out on service in aid of the civil power, and the officer in command of a detached portion of the Canadian Forces so called out other than small pickets or posts established as part of the tactical disposition, shall ensure that:

- (a) a magistrate with whom he can immediately communicate is conveniently available; and
- (b) when the forces under his command are likely to be required to exercise military strength, those forces are accompanied by a magistrate.

(2) If the officer described in (1) of this article is unable to arrange for the prescribed magistrate, he shall immediately advise the officer commanding the command concerned.

(3) Upon receipt of a notification prescribed in (2) of this article the officer commanding the command shall immediately:

- (a) inform the attorney general who made the requisition of the necessity of having the magistrate made available; and
- (b) request the attorney general to make arrangements for the required number of magistrates.

(M)

23.23—REQUEST BY MAGISTRATE TO TAKE ACTION

(1) If the accompanying magistrate concludes that the civil power is unable to deal with the situation and that it demands the interference of the Canadian Forces by action, then whether the proclamation referred to in article 23.21 has been read or not, it is his duty to request the officer in command of parts of the Canadian Forces called out on service in aid of the civil power or the detachment commander, as the case may be, to take action. This request should be in writing when possible, but may if the exigencies of the situation so require be made orally.

(2) When requested to take action under (1) of this article, the officer concerned shall:

- (a) consider whether immediate action is necessary;
- (b) if he considers that action is necessary take the action which appears to him to be requisite;
- (c) exercise his discretion as to the nature of the action to be taken and as to the arms which officers and men under his command shall use;

23.23—REQUEST BY MAGISTRATE TO TAKE ACTION (Cont'd)

- (d) exercise his discretion in the orders given to officers and men under his command as to the opening of fire; and
- (e) discontinue any action instituted when it appears to him that further action is not required.

(M)

23.24—ORDERS TO FIRE

(1) No officer or man shall order the use of firearms except:

- (a) the officer in command of the Canadian Forces called out in aid of the civil power; or
- (b) the officer in command of a detached portion of the Canadian Forces called out in aid of the civil power; or
- (c) an officer specifically designated by one of the officers described in (a) and (b) of this paragraph.

(2) No officer or man shall open fire except upon the order of an officer described in (1) of this article.

(3) The officer in command of the Canadian Forces called out in aid of the civil power and the officer in command of a detached portion of the Canadian Forces so called out, shall ensure that every officer and man under his command is made aware:

- (a) of those officers by whom an order to open fire may be given;
- (b) that except upon the order of one of those officers the use of firearms is strictly forbidden;
- (c) that if they are ordered to fire, they must do so in such a manner as to be able to cease fire immediately it becomes no longer necessary; and
- (d) that if they are ordered to fire they will do so upon those persons who are seen to be implicated in the disturbance, and shall fire for effect.

(4) The officer in command of the Canadian Forces called out in aid of the civil power shall so dispose his forces and organize the chain of command, that if it is necessary to open fire the action will be carried out by the minimum number of officers and men required to obtain the object desired.

(M)

23.25—WARNING TO CIVILIAN POPULATION CONCERNING USE OF FIREARMS

(1) When the Canadian Forces called out in aid of the civil power are employed in the suppression of riots or in the enforcement of the law, all persons who oppose them shall be warned that if the Canadian Forces are ordered to fire, that fire will be effective.

(2) The warning prescribed in (1) of this article shall be given whenever practical in conjunction with the magistrates who have requested action to be taken by the Canadian Forces, and shall be notified to the public by:

- (a) the officer in command of the Canadian Forces called out;
- (b) the officer in command of each detached portion of the Canadian Forces; and
- (c) any pickets or posts which have been established.

(M)

23.26—DAILY REPORTS BY OFFICER COMMANDING A COMMAND

During the period that any portion of the Canadian Forces is on service in aid of the civil power, the officer commanding a command will forward a daily report by message to the Chief of the General Staff.

(M)

23.27—REPORT BY OFFICER IN COMMAND ON COMPLETION OF DUTY

On completion of the duty for which the Canadian Forces have been called out on service in aid of the civil power, an immediate report thereof in writing will be made by the officer in command of the parts of the Canadian Forces so called out to the officer commanding the command concerned for transmission to the Chief of the General Staff.

(M)

(23.28 TO 23.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 24

CASUALTIES AND FUNERALS

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—Casualties

24.01—REPORTING OF CASUALTIES

The reporting of casualties shall be as prescribed by the Chief of the General Staff.

(M)

24.02—PRESS RELEASES REGARDING CASUALTIES

The commanding officer of a station or unit at which a serious accident occurs or to which a serious accident is reported may issue a brief conservative statement to the press, but shall ensure that:

- (a) the accident is not exaggerated in any way; and
- (b) the names of persons involved are withheld until confirmation has been received that the next of kin have been informed.

(M)

(24.03 TO 24.14 INCLUSIVE: NOT ALLOCATED)

Section 2—Funerals

24.15—ENTITLEMENT TO MILITARY FUNERALS

If the next of kin so desires, a military funeral:

- (a) shall, when practical, be accorded to (1 Jun 56)
 - (i) a deceased officer or man of the Canadian Army (Regular),
 - (ii) a deceased officer or man of the Active Service Force,
 - (iii) an officer or man of the Reserves who dies while performing Special Duty or Continuous Army Duty,
 - (iv) a deceased holder of the Victoria Cross; and (1 Nov 51)
- (b) may, with the prior approval of the officer commanding the command or area commander, be accorded to
 - (i) a deceased officer or man of the Reserves who does not come within the provisions of (a) of this paragraph, and
 - (ii) a deceased former officer or man.

(M)

24.16—PARTICIPATION IN MILITARY FUNERALS

If the exigencies of the service permit, the officer commanding the command or area commander may authorize army participation in:

24.16—PARTICIPATION IN MILITARY FUNERALS (Cont'd)

- (a) a military funeral accorded by another service of the Canadian Forces to a member or an ex-member of that service; and
- (b) with the prior approval of the Chief of the General Staff, a military funeral other than that prescribed in (a) of this paragraph.

(C)

24.17—PLACE OF INTERMENT

(1) When an officer or man dies in Canada or in the United States of America, interment shall be:

- (a) in any place in Canada or in the United States of America designated by the next of kin; or
- (b) in a place designated by the Chief of the General Staff
 - (i) if direction cannot be obtained from the next of kin, or
 - (ii) when the circumstances surrounding the death prohibit the removal of the remains of the deceased.

(2) When an officer or man dies outside Canada and the United States of America, interment shall be in a place outside Canada and the United States of America designated by the Chief of the General Staff.

(3) The remains of an officer or man interred in a place designated under (2) of this article shall not be brought to Canada or the United States of America either at public expense or at the request of relatives.

(M)

24.18—TRANSPORTATION OF DECEASED

When an officer or man is to be interred at a place other than that where his death occurred, an officer or man, when practical of a rank not lower than that of the deceased, shall accompany the remains to the place of interment.

(M)

24.19—DEATH OF DEPENDENTS ABROAD

(1) Subject to (2) of this article, when a dependent who accompanies an officer or man serving abroad dies, the remains may be interred in a burial plot in a military cemetery abroad in which deceased officers or men are buried.

(2) The transportation, funeral and burial of the remains of a dependent mentioned in (1) of this article shall not involve expense to the public.

(M)

(23 Sep 55)

24.20—POST-MORTEM EXAMINATION

- (1) This article applies in respect of the death of:
- (a) an officer or man of the Canadian Army (Regular) in Canada or outside Canada;
 - (b) an officer or man of the Reserves during any period of Continuous Army Duty in Canada or outside Canada;
 - (c) a dependent of an officer or man mentioned in (a) and (b) of this paragraph, who accompanies the officer or man serving outside Canada;
 - (d) a person who is neither an officer nor a man but who is subject to the Code of Service Discipline in Canada or outside Canada; and
 - (e) a person who is neither an officer nor a man, but whose death occurred
 - (i) while he was under the care of a Service medical officer, or
 - (ii) while he was receiving treatment at a Service medical facility or unit.
- (2) Subject to (3) and (5) of this article, a post-mortem examination for the purpose of investigation into the cause of a death, may be ordered by:
- (a) the Minister;
 - (b) the Chief of the General Staff;
 - (c) an officer commanding a command;
 - (d) an area commander; or
 - (e) any other officer that the Minister may prescribe or appoint for that purpose.
- (3) A post-mortem examination ordered under (2) of this article shall be conducted by a civilian medical practitioner duly qualified to practise in the place where the examination is to be held, or by a Service medical officer.
- (4) An order directing a post-mortem examination shall include the name of the civilian medical practitioner or the name and unit of the Service medical officer responsible for the conduct of the post-mortem examination.
- (5) No order shall be made under this article directing a post-mortem examination to be held in a country outside Canada where the laws of that country would preclude compliance with such an order.

(G) (PC 1958—16/1285 of 18 Sep 58)

(HQ 1733-24)

(18 Sep 58)

(24.21 TO 24.99 INCLUSIVE: NOT ALLOCATED)

SERVICE ESTATES AND PERSONAL BELONGINGS

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—Service Estates

25.01—GENERAL

(1) Section forty of *The National Defence Act* provides:

“40. (1) The service estates of officers and men who die during their service in the Canadian Forces may be collected, administered and distributed in whole or in part as prescribed in regulations made by the Governor in Council.

(2) For the purposes of this section, but subject to any exceptions prescribed in regulations made by the Governor in Council, “service estate” means the following parts of the estate of a deceased officer or man mentioned in subsection (1),

- (a) service pay and allowances;
- (b) all other emoluments emanating from Her Majesty that, at the date of death, are due or otherwise payable;
- (c) personal equipment that the deceased person is, under regulations, permitted to retain; and
- (d) personal belongings, including cash, found on the deceased person or in camp, quarters or otherwise in the care or custody of the Canadian Forces.”

(2) Unless the Chief of the General Staff otherwise directs, “service estate” shall not include any personal equipment or personal belongings found in married quarters or otherwise under the care, custody or control of the next of kin of the deceased officer or man.

(G)

(26 Nov 53)

25.015—APPLICATION AND DEFINITIONS

(1) The provisions of this chapter shall apply in respect of an officer or man of:

- (a) the Active Force;
- (b) the Active Service Force; and
- (c) the Reserves when he is performing
 - (i) Continuous Army Duty,
 - (ii) Special Duty, and
 - (iii) Camp Training.

(2) For the purposes of this chapter:

- (a) “service estate” has the same meaning as prescribed in subsection two of section forty of *The National Defence Act* (see article 25.01); and
- (b) “net assets” means the assets of a service estate remaining after payment of any preferential charges prescribed in article 25.03.

(G)

25.02—DIRECTOR OF ESTATES

(1) The Minister shall appoint an officer of the Canadian Forces to be Director of Estates.

(2) The Director of Estates shall be directly responsible to the Minister.

25.02—DIRECTOR OF ESTATES (Cont'd)

(3) The Director of Estates shall, in the exercise of his powers, duties, and functions under these regulations, to the exclusion of all other authorities and persons, have the same rights and powers in respect of a service estate as if he had been appointed an executor or administrator of that estate by a court of competent jurisdiction.

(G)

25.03—PREFERENTIAL CHARGES AGAINST A SERVICE ESTATE

(1) Preferential charges against a service estate shall be:

- (a) sums due for quarters;
- (b) unpaid institute accounts;
- (c) sums due for materiel; and
- (d) a debit balance in the pay account.

(2) The Director of Estates shall pay the charges prescribed in (1) of this article in the order shown and in preference to all other claims.

(3) The decision of the Minister shall be final and binding when any question arises in relation to the payment or disposition of any preferential charge.

(G)

25.04—ADMINISTRATION OF SERVICE ESTATES

(1) Subject to (2) of this article, the Director of Estates shall administer service estates and:

- (a) when an executor or administrator has been appointed by a court of competent jurisdiction, the Director of Estates shall cause to be delivered over to that executor or administrator, the net assets of the service estate in his possession;
- (b) when no executor or administrator has been appointed by a court of competent jurisdiction, the Director of Estates shall, subject to any order made by a court of competent jurisdiction, cause to be distributed the net assets of the service estate in accordance with the will of the deceased officer or man, or, if he died intestate, in accordance with the law of intestate succession of his domicile subject to article 25.045 and in either case without regard to any debts of or claims against the estate except
 - (i) those preferential charges prescribed in article 25.03, and
 - (ii) any debts incurred in the country (other than Canada) in which the deceased officer or man died and owing to a person not a member of the Canadian Forces, when, under the law of such country or under an applicable international agreement, disposal of personal property situated in such country and forming part of the service estate of such officer or man cannot be effected until such debts are settled; and
- (c) when under (b) of this paragraph, no distribution or only partial distribution of any service estate can be made, the Director of Estates shall convert the net assets, or the balance of the net assets, into cash and pay it to the Receiver General of Canada, to be deposited by him in a special trust account or accounts as designated by the Comptroller of the Treasury pending final distribution to the person or persons entitled.

(2) The Minister may prescribe the procedure to be adopted and issue such directions as may be necessary for the administration of service estates and to give effect to this article.

(G)

(26 Nov 53)

25.045—DISTRIBUTION OF ORDERS, DECORATIONS AND MEDALS

When an officer or man dies intestate the Director of Estates may, without regard to the law of intestate succession of the domicile of the deceased officer or man, distribute any order, decoration or medal to such person or persons as he thinks best qualified in the circumstances to receive them, but normally in the following order of preference:

- (a) widow;
- (b) eldest surviving son;
- (c) eldest surviving daughter;
- (d) father;
- (e) mother;
- (f) eldest surviving brother; or
- (g) eldest surviving sister.

(G)

(26 Nov 53)

25.05—INFANT ENTITLED TO A SERVICE ESTATE

When an infant is entitled to all or part of a service estate, the Director of Estates may, for the infant's maintenance, welfare, or education, authorize payment out of the money payable to such infant, of a sum not exceeding \$100.00 in any year, to the infant's parent, guardian, or person *in loco parentis*, or to a children's welfare or protection society recognized by the laws of a province.

(G)

25.06—RIGHT OF CLAIM AGAINST SERVICE ESTATES

No person shall have any claim as of right against a service estate.

(G)

25.07—COMPLIANCE WITH REGULATIONS

Compliance with these regulations in respect of the administration of a service estate shall discharge the Minister, the Director of Estates or any other person complying therewith from all liability by reason of any assets in his hands having been paid, transmitted or retransmitted or otherwise dealt with in accordance therewith.

(G)

25.08—COMMITTEE OF ADJUSTMENT TO DEAL WITH A SERVICE ESTATE

(1) When an officer or man dies the commanding officer shall appoint a committee of adjustment to deal with the service estate.

(2) A committee of adjustment appointed under (1) of this article shall:

- (a) be constituted and proceed as prescribed by the Chief of the General Staff;
- (b) collect, inventory, and safeguard the service estate;
- (c) forward a copy of its minutes direct to the Director of Estates; and
- (d) dispose of the service estate as directed by the Director of Estates.

(G)

(25.09 TO 25.15 INCLUSIVE: NOT ALLOCATED)**Section 2—Disposal of Personal Belongings****25.16—COMMITTEE OF ADJUSTMENT TO DEAL WITH PERSONAL BELONGINGS**

(1) For the purposes of this section "personal belongings" means:

- (a) personal equipment that an officer or man is, under regulations, permitted to retain on release; and
- (b) personal belongings, including cash, found in camp, quarters or otherwise in the care or custody of the army.

25.16—COMMITTEE OF ADJUSTMENT TO DEAL WITH PERSONAL BELONGINGS (Cont'd)

(2) When an officer or man is missing or is released with unsound mind, the commanding officer shall appoint a committee of adjustment to deal with the officer's or man's personal belongings that are not in the care or custody of his next-of-kin.

(M)

25.17—PERSONAL BELONGINGS OF A MISSING OFFICER OR MAN

A committee of adjustment appointed under article 25.16 to deal with the personal belongings of an officer or man who is missing shall:

- (a) be constituted and proceed as prescribed by the Chief of the General Staff;
- (b) collect, inventory, and safeguard the personal belongings not in the care or custody of the next-of-kin;
- (c) forward a copy of its minutes direct to the Director of Estates; and
- (d) dispose of the personal belongings mentioned in (b) of this article as directed by the Director of Estates. (*See article 18.05—"Disposal of Orders, Decorations, and Medals".*)

(M)

25.18—PERSONAL BELONGINGS OF AN OFFICER OR MAN RELEASED WITH UNSOUND MIND

A committee of adjustment appointed under article 25.16 to deal with the personal belongings of an officer or man released with unsound mind shall:

- (a) be constituted and proceed as prescribed by the Chief of the General Staff;
- (b) collect, inventory, and safeguard the personal belongings not in the care or custody of the next-of-kin;
- (c) forward a copy of its minutes to Army Headquarters; and
- (d) forward the personal belongings mentioned in (b) of this article to the Department of Veterans Affairs. (*See article 18.05—"Disposal of Orders, Decorations, and Medals".*)

(M)

25.19—AN OFFICER OR MAN COMMITTED TO IMPRISONMENT OR DETENTION

(1) When an officer or man is sentenced to imprisonment or detention, on the expiration of which sentence he will not be returned to his unit, he shall be informed by his commanding officer that the army is not responsible for the custody of his personal belongings.

(2) The commanding officer shall require the officer or man to make private arrangements for the custody or disposal of his personal belongings which are not sent with him to prison or detention barracks.

(M)

25.20—ABSENTEES AND DESERTERS

(1) Section forty-two of *The National Defence Act* provides in part:

“42. The personal belongings . . . of an officer or man, who is absent without leave, that are found in camp, quarters or otherwise in the care or custody of the Canadian Forces shall vest in His Majesty and shall be disposed of in accordance with regulations made by the Governor in Council.”

(2) The commanding officer shall ensure that the personal belongings, not in the care or custody of the next-of-kin, which are left behind at a station or unit by an officer or man who is absent without leave are placed in safe custody and an inventory is taken.

(3) When an officer or man absent without leave surrenders himself or is apprehended within one year from the date of commencement of his absence, his personal belongings shall be returned to him.

(4) When an officer or man absent without leave has not surrendered or been apprehended within one year from the date of commencement of his absence, the personal belongings held in safe custody by the army shall be forwarded to his next-of-kin. If the next-of-kin is not known, instructions shall be requested from Army Headquarters and the Chief of the General Staff may direct that the personal belongings be sold, destroyed or otherwise disposed of. (*See article 18.05—“Disposal of Orders, Decorations, and Medals”.*)

(G)

25.21—PERSONAL BELONGINGS UNCLAIMED

Personal belongings left unclaimed at any army station or unit or in any army vessel, vehicle or aircraft shall be disposed of in accordance with orders issued by the Chief of the General Staff.

(G)

(17 Dec 52)

(25.22 TO 25.30 INCLUSIVE: NOT ALLOCATED)

Section 3—Loss of or Damage to Private Property and Personal Belongings**25.31—INSURING OF PRIVATE PROPERTY AND PERSONAL BELONGINGS**

The Department of National Defence does not assume any responsibility for the loss of or damage to the private property and personal belongings of an officer or man resulting from fire, theft or other causes except as provided for in Section 1 of Chapter 210 (Compensation for Loss of Personal Kit). Loss or damage attributable to the ordinary risks of civil life are the responsibility of the officer or man concerned and all officers and men are warned of the advisability of insuring their private property and personal belongings against these hazards.

(M)

(25.32 TO 25.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 26

PERSONAL RECORDS AND DOCUMENTS

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

26.01—SERVICE RECORDS

- (1) Service records shall be prepared and maintained for every officer and man as prescribed by the Chief of the General Staff.
 - (2) The enrolment forms of an officer or man, together with any personal documents prescribed by the Chief of the General Staff, shall be included in the service records.
- (C)

26.02—DOMESTIC EVENTS AFFECTING PENSION OR PAY AND ALLOWANCES

- (1) When any domestic event occurs which may affect his pension or pay and allowances, an officer or man shall submit to his commanding officer evidence of the event in writing.
 - (2) When documentary evidence of the event is available, the original document or a notarial or photostatic copy shall be submitted to the commanding officer.
 - (3) The commanding officer shall:
 - (a) make appropriate entries in unit orders; and
 - (b) forward documentary evidence, when available, to Army Headquarters.
- (C)

(26.03: NOT ALLOCATED)

26.04—SERVICE NUMBERS

- (1) An identifying service number shall be allotted to an officer or man:
 - (a) on enrolment; and
 - (b) on transfer to the Reserves.
 - (2) The service number of an officer or man allotted to him in:
 - (a) the Active Force; or
 - (b) the Reserves; or
 - (c) the Active Service Force;shall be retained by him throughout his service in that component.
 - (3) The service number of an officer or man shall appear on all his service records.
- (C)

26.05—IDENTIFICATION CARDS

An identification card in the form prescribed by the Minister shall be given to an officer or man on enrolment.

(M)

(26.06: RESERVED—NAVY)

(26.07: NOT ALLOCATED)

Section 2—Personal Assessments**26.08—PERSONAL REPORTS AND ASSESSMENTS**

(1) Routine and special personal reports and assessments shall be prepared and submitted at the times and in the manner prescribed by the Chief of the General Staff.

(2) An unfavourable or adverse report shall be read by the officer or man concerned, who shall be requested to sign it. If he refuses to sign, a notation to that effect shall be made on the report.

(C)

26.09—RECOMMENDATION FOR PROMOTION

A recommendation as to the suitability of an officer or man for promotion shall be made at the times and in the manner prescribed by the Chief of the General Staff.

(C)

(26.10: NOT ALLOCATED)

26.11—ASSESSMENT OF SERVICE CONDUCT

(1) The service conduct of a man shall be assessed as:

(a) exemplary; or

(b) good; or

(c) fair; or

(d) indifferent; or

(e) bad.

(2) An assessment of service conduct shall be determined by considering all available pertinent information and not solely by reference to the conduct sheet of the man concerned.

(C)

(26.12: RESERVED—NAVY)

(26.13 TO 26.15 INCLUSIVE: NOT ALLOCATED)

Section 3—Certificates

26.16—SIGNATURE ON COMMISSION

Section 51 of *The National Defence Act* provides:

“51. (1) The Governor General may cause his signature to be affixed to a commission granted to an officer of the Canadian Forces by stamping the signature on the commission with a stamp approved by him and used for the purpose by his authority.

(2) A signature affixed in accordance with subsection (1) is as valid and effectual as if it were in the handwriting of the Governor General, and neither its authenticity nor the authority of the person by whom it was affixed shall be called in question except on behalf of Her Majesty.”.

(C)

26.17—COMMISSION SCRIPT

The name of a person shall be submitted to the Governor General with a request for the issuance of a commission script when the person is:

- (a) enrolled in the army in; or
- (b) promoted to;

the rank of 2nd Lieutenant.

(C)

26.175—COLONEL OF THE REGIMENT, HONORARY APPOINTMENT AND HONORARY RANK SCRIPTS

The name of a person who is:

- (a) appointed Colonel of the Regiment under article 3.055; or
- (b) given an honorary appointment under article 3.06; or
- (c) granted honorary rank under article 3.07;

shall be submitted to the Governor General with a request for the issuance of the appropriate script.

(C)

(18 Dec 58)

26.18—WARRANT ON PROMOTION TO WARRANT OFFICER, CLASS ONE

The name of a man shall be submitted to the Minister with a request for the issuance of a warrant when the man has been promoted to the substantive rank of warrant officer, class 1.

(C)

26.19—CERTIFICATE OF SERVICE

A certificate of service in the form prescribed by the Chief of the General Staff shall be issued to an officer or man:

- (a) on release or on transfer to the Reserves from
 - (i) the Canadian Army (Regular), or
 - (ii) the Active Service Force;
- (b) on release from the Canadian Army (Militia); and
- (c) upon application on or after release from a sub-component of the Reserves other than the Reserve Force.

(C)

26.20—CERTIFICATES OF DEATH OR PRESUMPTION OF DEATH

(1) When an officer or man dies, the civil law governs the issuance of a death certificate.

(2) When an officer or man:

- (a) dies and no death certificate is issued by civil authorities; or
- (b) is killed in action; or
- (c) is missing;

a certificate of death may be issued by army authorities, if in the opinion of the Chief of the General Staff, or any other officer designated by the Minister, there is conclusive proof that the officer or man is dead. (*See articles 21.41—"General" and 21.44—"Investigation on an Officer or Man Missing Due to Enemy Action".*)

(3) When no conclusive proof that a missing officer or man is dead has been produced at the end of six months, the Chief of the General Staff, or any other officer designated by the Minister, shall make further inquiries of:

- (a) the next of kin;
- (b) the station or unit of the missing officer or man; and
- (c) any other likely source.

(4) When:

- (a) inquiries made under (3) of this article fail to produce information indicating that the missing officer or man may still be alive; and
- (b) in the opinion of the Chief of the General Staff, or any other officer designated by the Minister, the circumstances surrounding the disappearance of the missing officer or man raise beyond reasonable doubt the presumption that he is dead;

a certificate of presumption of death may be issued by army authorities.

(5) In a certificate of presumption of death the issuing authority shall:

- (a) declare that the missing officer or man is deemed to be dead; and
- (b) state the date on which his death is presumed to have occurred.

(M)

26.21—SIGNING OF CERTIFICATES OF DEATH AND PRESUMPTION OF DEATH

(1) All certificates of death and presumption of death issued under article 26.20 shall be signed personally by the Chief of the General Staff or any other officer designated by the Minister for that purpose.

(2) When a certificate of presumption of death has been issued in respect of a missing officer or man, stating the date on which his death is presumed to have occurred, section 41 of *The National Defence Act* provides in part:

"41. . . . such officer or man shall thenceforth, for the purposes of this Act and the regulations and in relation to his status and service in the Canadian Forces, be deemed to have died on that date."

(M)

(26.22: RESERVED-NAVY)

(26.23 TO 26.30 INCLUSIVE: NOT ALLOCATED)

Section 4—Change of Name

26.31—CHANGE FROM AN ASSUMED NAME

(1) If an officer or man who has enrolled under an assumed name desires that his true name be shown on his service records and documents, the documentary evidence required to substantiate his change of name shall be the same as or equivalent to the documentary evidence required to establish proof of age or identity for the purposes of the *Defence Services Pension Act*, in accordance with regulations or orders issued under that Act.

(2) The commanding officer concerned shall forward the birth certificate and other documentary evidence of the true name or identity of the officer or man to Army Headquarters for confirmation that the documentary proof of change of name referred to in (1) of this article is acceptable for the purposes of the *Defence Services Pension Act*. Upon notification of acceptability, the commanding officer shall publish an appropriate entry in unit orders. (See article 26.33.)

(C)

(HQ 1733-26)

(22 Oct 58)

26.32—CHANGE OF NAME THROUGH LEGAL PROCESS

(1) If an officer or man desires to change his true name for all purposes he shall do so at his own expense in accordance with the civil law applicable.

(2) When a change of true name has been effected under (1) of this article, the commanding officer shall forward the court order or other document to Army Headquarters for confirmation that the documentary proof of change of name is acceptable for the purposes of the *Defence Services Pension Act*. Upon notification of acceptability, the commanding officer shall publish an appropriate entry in unit orders. (See article 26.33).

(C)

(HQ 1733-26)

(22 Oct 58)

26.325—CHANGE OF TRUE NAME FOR ARMY PURPOSES

If he is on active service and, in the opinion of the Chief of the General Staff, his true name might jeopardize his safety if known to the enemy, an officer or man may change his true name for army purposes in such manner as the Chief of the General Staff may prescribe.

(C)

(16 Sep 58)

26.33—CHANGE OF NAME IN SERVICE RECORDS

(1) The name under which an officer or man is enrolled in the army shall not be erased from any of his personal records or documents.

(2) Upon notification to the commanding officer concerned of the acceptance of the documentary proof of change of name submitted under article 26.31 or 26.32, the personal records and documents of the officer or man concerned shall be amended to record the new name. The old name shall be bracketted in all existing records and documents, but any new records or documents shall bear the new name exclusively.

(C)

(HQ 1733-26)

(22 Oct 58)

(26.34 TO 26.40 INCLUSIVE: NOT ALLOCATED)**Section 5—Conduct Sheets****26.41—CONDUCT SHEETS GENERALLY**

(1) No conduct sheet shall be prepared for an officer until an entry is necessary. A conduct sheet shall be prepared for a man:

- (a) of the Canadian Army (Regular) or the Active Service Force on enrolment; and
- (b) of the Reserves when an entry is necessary.

(2) When an officer or man is re-enrolled in the Canadian Army (Regular), the conduct sheet, if any, from his previous service shall be used. (*See article 26.44—"Destruction of Conduct Sheets".*)

(C)

26.42—ENTRIES IN CONDUCT SHEETS

(1) Subject to (2) of this article, an entry shall be made in the conduct sheet of an officer or man only for:

- (a) every conviction of an officer or man by a civil court for an offence, other than a minor one under a highway traffic act or local ordinance, committed after his enrolment, but when the sentence of a civil court is a fine, the commanding officer shall refer the matter with his recommendations to the officer commanding the command or area commander, and no entry shall be made unless, in the opinion of the officer commanding the command or area commander, the nature of the offence tends to bring discredit on the army;
 - (b) every case in which a civil court has suspended the sentence of an officer or man convicted of an offence committed after his enrolment, but the commanding officer shall refer the matter with his recommendations to the officer commanding the command or area commander and no entry shall be made unless in the opinion of the officer commanding the command or area commander, the nature of the offence tends to bring discredit on the army; (26 Nov 56)
 - (c) every conviction of an officer or man by a court martial, whether or not the sentence is wholly or partially remitted;
 - (d) every punishment imposed upon an officer or warrant officer by a superior commander under section one hundred and thirty-seven of *The National Defence Act*;
 - (e) the following punishments imposed upon a man at a summary trial
 - (i) detention,
 - (ii) reduction in rank,
 - (iii) forfeiture of seniority,
 - (iv) severe reprimand or reprimand,
 - (v) fine,
 - (vi) confinement to barracks,
 - (vii) extra work and drill, and
 - (viii) unless the commanding officer otherwise directs, caution (*see Note (A), article 108.52—"Caution"*); (22 Sep 52)
 - (f) every reversion of a warrant officer or non-commissioned officer to a lower rank consequent upon a conviction by the civil power but not a reversion in rank for inefficiency; (*See article 11.11—"Reversion and Remustering Upon Conviction by the Civil Power"*).
 - (g) every punishment imposed by an appropriate authority on a service prisoner or service detainee for a breach of the statute or regulations governing the place where he is confined;
 - (h) every suspension of a sentence under section one hundred and seventy-seven of *The National Defence Act*;
 - (i) every suspended sentence which is subsequently put into execution or remitted; and
 - (j) every remission, commutation, or mitigation of a sentence, whether such sentence was awarded by court martial or otherwise.
- (2) An entry shall be made in the conduct sheet of an officer or man in respect of:
- (a) any special act of gallantry or instance of distinguished conduct which has been brought to notice in command or other superior orders or in despatches; and
 - (b) any special commendation from the Chief of the General Staff.

(26.43: NOT ALLOCATED)**26.44—DESTRUCTION OF CONDUCT SHEETS**

(1) Subject to (2) of this article, a conduct sheet which contains an entry of a fine of \$5.00 or less, or a minor punishment shall be destroyed:

- (a) on completion of
 - (i) six months' service from the date of enrolment, and
 - (ii) each subsequent period of one year free from any entry;
- (b) on promotion to the rank of sergeant;
- (c) on promotion to a commissioned rank; and
- (d) on re-enrolment.

(2) Before a conduct sheet is destroyed in accordance with (1) of this article, a new conduct sheet shall be prepared. The new conduct sheet shall contain all entries which appear on the conduct sheet being destroyed other than those entries specified in (1) of this article.

(C)

26.45—LOSS OF A CONDUCT SHEET

If a conduct sheet is lost, the commanding officer shall ensure that a duplicate, containing as far as practicable all entries which were on the lost sheet, is prepared and marked "substituted for the original" over his signature.

(C)

26.46—ALTERATION OF ENTRIES IN A CONDUCT SHEET

No entry in a conduct sheet shall be altered or expunged except:

- (a) when, upon review of a punishment or sentence, the reviewing officer orders the entry to be altered or expunged; or
- (b) on the direction of the commanding officer when
 - (i) an entry has been made in error, or
 - (ii) an entry contains an error.

(C)

(26.47 TO 26.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 27

INSTITUTES

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

27.01—ESTABLISHMENT OF INSTITUTES

Except for merchandising stores and subject to the approval of the officer commanding the command or area commander, a commanding officer may establish institutes at a station or unit.

(C)

(25 Jan 55)

27.02—ADMINISTRATION OF INSTITUTES

Every institute shall be administered and managed by a committee constituted and governed as prescribed by the Chief of the General Staff.

(C)

(25 Jan 55)

27.03—REMUNERATION OF INSTITUTE EMPLOYEES

(1) The commanding officer of a station or unit may:

(a) authorize special compensation for any man employed by an institute; and

(b) set the wage to be paid to a civilian employed by an institute.

(2) No member of any institute committee or sub-committee shall receive any remuneration, profit or advantage by reason of that membership.

(C)

27.04—SERVING AND CONSUMPTION OF INTOXICANTS

(1) Intoxicants shall be served only in the places authorized by the commanding officer.

(2) Intoxicants shall not be served, exchanged or given to any individual not belonging to an institute except to guests for their actual consumption in the institute.

(3) Institute employees on duty shall not consume intoxicants.

(C)

27.05—INSURANCE

(1) All non-public property on the inventory of an institute shall be insured against loss or damage at the expense of the institute concerned.

(2) Supplies and merchandise shall be insured at their full cost value, all other assets on the inventory of an institute at a value not less than the last appraised value.

27.05—INSURANCE (Cont'd)

(3) A fidelity bond in an amount commensurate with the degree of risk incurred shall be secured at the expense of the institute concerned to cover each officer, man, and civilian whose duties involve:

- (a) financial responsibility for the non-public property of an institute; or
- (b) pledging of the credit of an institute.

(4) The commanding officer shall ensure that an institute which is paying the wages of any person employed therein is protected through employers liability insurance against any claim which may arise from the death, injury, or illness of that person resulting from the negligence of any of those responsible for the direction and management of an institute.

(C)

27.06—INSTITUTE FUNDS

(1) The funds of each institute may be expended only for the immediate benefit of the members of that institute except that compensation may be paid to a person whose wages are paid by an institute who dies or is incapacitated as the result of the negligence of any of those responsible for the direction and management of the institute.

(2) Institute funds shall be accumulated only in an amount sufficient to:

- (a) meet continuing obligations; and
- (b) establish an adequate reserve for
 - (i) replacement of the assets on the inventory, and
 - (ii) capital outlay in a normal year.

(3) Institute funds accumulated for the purposes stated in (2) of this article may be invested only in Government of Canada guaranteed securities.

(C)

27.07—AUDIT OF NON-PUBLIC PROPERTY ACCOUNTS

The accounts of non-public property shall be audited in the manner and at the intervals prescribed by the Chief of the General Staff, but not less frequently than once annually.

(M)

(26 Jun 58)

(27.08 TO 27.14 INCLUSIVE: NOT ALLOCATED)**Section 2—Non-Public Property****27.15—DISPOSAL OF NON-PUBLIC PROPERTY**

(1) Except under conditions prescribed by the Chief of the General Staff, non-public property shall not be sold, given away, or alienated.

(2) For the title to and disposition of non-public property see section thirty-nine of *The National Defence Act*.

(C)

27.16—CARE OF NON-PUBLIC PROPERTY

The commanding officer shall ensure that all non-public property on the station or unit is:

- (a) properly maintained; and
 - (b) accounted for in the manner prescribed by the Chief of the General Staff.
- (C)

27.17—NON-PUBLIC PROPERTY ON CHANGE OF COMMAND

(1) When handing over a station or unit the commanding officer shall submit to the officer commanding the command or area commander:

- (a) a statement
 - (i) showing that all debts owed by each institute have been paid or that sufficient funds are available to meet all liabilities, or
 - (ii) containing a complete explanation of outstanding liabilities and why sufficient funds are not available to discharge them; and
- (b) a certificate showing the amount and condition of all non-public property that has been transferred from the outgoing to the incoming commanding officer.

(2) The outgoing commanding officer shall hand over a copy of the statement and certificate prescribed in (1) of this article to the incoming commanding officer who shall, if he is not satisfied, submit a report to the officer commanding the command or the area commander.

(C)

(27.18 TO 27.25 INCLUSIVE: NOT ALLOCATED)**Section 3—Loss of or Damage to Non-Public Property****27.26—ADJUSTMENT OF A LOSS OF OR DAMAGE TO NON-PUBLIC PROPERTY**

(1) A commanding officer of a station or unit may authorize as a charge against the accounts of the institute concerned, the amount of a loss of or damage to:

- (a) non-public supplies and merchandise, not in excess of \$100.00 in any one month; and
- (b) other non-public property on the inventory of the institute, not in excess of \$100.00 at any one time.

(2) A loss of or damage to non-public property in excess of the amounts specified in (1) of this article shall be referred to the officer commanding the command or area commander together with the recommendations of:

- (a) a general meeting of the members of the institute concerned; and
- (b) the commanding officer.

(3) An area commander may authorize as a charge against the accounts of the institute concerned, the amount of a loss of or damage to:

- (a) non-public supplies and merchandise, not in excess of \$500.00 in any one month; and

27.26—ADJUSTMENT OF A LOSS OF OR DAMAGE TO NON-PUBLIC PROPERTY (Cont'd)

(b) other non-public property on the inventory of the institute, not in excess of \$500.00 at any one time.

(4) An officer commanding a command may authorize as a charge against the accounts of the institute concerned, a loss of or damage to non-public property in excess of the amounts specified in (1) and (3) of this article.

(C)

27.27—PREJUDICE TO DISCIPLINARY ACTION

(1) The authority to charge an amount of a loss of or damage to non-public property against the accounts of an institute under article 27.26 shall not prejudice any subsequent disciplinary action against an officer or man.

(C)

(27.28 TO 27.34 INCLUSIVE: NOT ALLOCATED)**Section 4—Membership, Subscriptions, Expenditures, and Facilities****27.35—MEMBERSHIP OF INSTITUTES**

(1) Members of an institute designated as an officers' mess, sergeants' mess or corporals' mess shall be either ordinary, associate, or honorary members. Ordinary members only shall be eligible to serve on a mess committee or vote on mess matters.

(2) The Chief of the General Staff may prescribe the conditions of eligibility for:

(a) ordinary membership;

(b) associate membership; and

(c) honorary membership.

(C)

27.36—SUBSCRIPTION TO INSTITUTE FUNDS

An ordinary or associate member of an institute described in article 27.35 shall make contributions to the institute funds for the purposes and within the maxima prescribed by the Chief of the General Staff.

(C)

27.37—EXPENDITURES BY INSTITUTES

(1) An institute committee may authorize all recurring expenditures and all expenditures of a capital or non-recurring nature not exceeding \$100.00 for any one item or project.

(2) The recommendation of a general meeting of the members of an institute and the approval of the commanding officer shall be obtained for a capital or non-recurring expenditure exceeding \$100.00 and not exceeding \$500.00 for any one item or project.

27.37—EXPENDITURES BY INSTITUTES (Cont'd)

(3) The prior approval of the officer commanding the command or area commander shall be obtained for any capital or non-recurring expenditure in excess of the amounts prescribed in (2) of this article.

(C)

27.38—ADMINISTRATIVE DEDUCTIONS—OVERDUE INSTITUTE ACCOUNTS

When an institute account owed by an officer or man is overdue, the commanding officer may order that the officer or man concerned shall be subject to an administrative deduction in an amount sufficient to pay the account in full.

(M)

(27.39 TO 27.44 INCLUSIVE: NOT ALLOCATED)**27.45—USE OF INSTITUTE FACILITIES**

(1) Institute facilities may be used by officers or men and, subject to the exigencies of the service, members of their households.

(2) Except as prescribed by the Chief of the General Staff and subject to the approval of the commanding officer, institute facilities may be used by:

(a) guests of officers and men; and

(b) civilian employees and their guests.

(C)

(27.46: RESERVED—AIR FORCE)**(27.47 TO 27.50 INCLUSIVE: NOT ALLOCATED)****(27.51 TO 27.99 INCLUSIVE: RESERVED—NAVY)**

CHAPTER 28

ALLOTMENT AND OCCUPATION OF QUARTERS

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

28.01—OBLIGATION TO OCCUPY QUARTERS

- (1) An officer commanding a command, an area commander or a commander of an army station shall occupy a married quarter designated as an official residence, if available. (28 Sep 55)
- (2) An officer or man shall occupy quarters unless:
- (a) proper quarters are not available; or
 - (b) except for an officer mentioned in (1) of this article, the commanding officer has granted him permission to live out. (23 Sep 55)
- (3) The commanding officer may grant permission to live out of quarters to an officer or man:
- (a) attached to or on temporary duty at the station or unit
 - (i) for a period not exceeding seven days, and
 - (ii) in exceptional circumstances for any period exceeding seven days but not exceeding thirty days;
 - (b) whose place of duty is at such distance from available quarters that, in the opinion of the commanding officer, to require him to live in quarters would interfere with the performance of his duties;
 - (c) who is married, to enable him to live with his family; and
 - (d) in such other circumstances as the commanding officer considers justifiable.
- (4) Any permission to live out of quarters granted by the commanding officer shall not in itself entitle an officer or man to an allowance in lieu of quarters.
- (M)

28.02—QUARTERS—REHABILITATION LEAVE

An officer or man shall not occupy quarters when he is on rehabilitation leave.

(M) (HQ 1733-28) (11 Jan 57)

(28.03 TO 28.05 INCLUSIVE: NOT ALLOCATED)

Section 2—Married Quarters

28.06—ENTITLEMENT TO OCCUPY MARRIED QUARTERS

- (1) Except as provided in (2) of this article, an officer or man and his family shall be entitled to occupy married quarters when:
- (a) accommodation is available;
 - (b) the officer or man is either in receipt of Marriage Allowance or would be if he were of the required age;
 - (c) no member of the family refuses immunization treatment, including vaccination and inoculation, if, in the opinion of the officer commanding the command, non-immunization endangers the health of personnel at the station or unit; and
 - (d) the officer or man and members of his family observe all regulations and orders governing the occupancy of married quarters.
- (2) An officer commanding a command, an area commander, or a commander of an army station shall be entitled to occupy married quarters regardless of his marital status. (28 Sep 55)
- (M) (23 Sep 55)

28.07—ACCESS TO MARRIED QUARTERS

An officer or man occupying married quarters shall allow access to his quarters to officers, men, and civilians when they are required to enter in the performance of their service or departmental duties.

(M)

28.08—ALLOTMENT OF MARRIED QUARTERS

(1) Subject to articles 28.06 (Entitlement to Occupy Married Quarters) and 28.30 (Married Quarters for Civilians), married quarters shall be allotted in accordance with any orders issued by the Chief of the General Staff.

(2) No officer or man to whom married quarters have been allotted shall be dispossessed of them without the approval of the officer commanding the command.

(M) (29 Jul 53)

(28.09: NOT ALLOCATED)**28.10—RETENTION OF MARRIED QUARTERS—SPECIAL RULES**

(1) The family of an officer commanding a command, an area commander, or a commanding officer may continue to occupy married quarters for such reasonable period, not exceeding sixty-one days, as the Chief of the General Staff may determine:

- (a) in the event of the officer's posting to a location at which married quarters are not available; or
- (b) in such other circumstances as the Chief of the General Staff may consider justifiable.

(2) The family of an officer or man, other than an officer described in (1) of this article, may continue to occupy married quarters for such reasonable period, not exceeding sixty-one days, as the commanding officer may determine:

- (a) in the event of the officer's or man's posting to a location other than an isolated station or unit at which married quarters are not available; or
- (b) when the officer or man is undergoing sentence involving custody for a period in excess of six months; or
- (c) in such other circumstances as the commanding officer may consider justifiable.

28.10—RETENTION OF MARRIED QUARTERS—SPECIAL RULES (Cont'd)

(3) When an officer commanding a command, an area commander, or a commanding officer dies or is reported missing, his family may continue to occupy married quarters for such period as the Chief of the General Staff may determine, not exceeding sixty-one days in normal circumstances.

(4) When an officer or man, other than an officer described in (3) of this article, dies or is reported missing, his family may continue to occupy married quarters for such reasonable period, not exceeding sixty-one days, as the commanding officer may determine, and in exceptional circumstances for such further period as the Chief of the General Staff may determine.

(5) The family of an officer or man may continue to occupy married quarters when the officer or man is:

- (a) on leave, except rehabilitation leave; or
- (b) in hospital; or
- (c) detached on duty without his family; or
- (d) posted to an isolated station or unit where no married quarters or other suitable accommodation is available for his family; or
- (e) posted to a station or unit where the movement of dependents, furniture and personal effects at public expense is not permissible; or
- (f) undergoing sentence involving custody for a period not exceeding six months.

(C)

28.11—OCCUPATION OF SINGLE QUARTERS BY OFFICERS AND MEN ELIGIBLE FOR MARRIED QUARTERS

Officers and men eligible for occupancy of married quarters may be required to occupy single quarters if:

- (a) no married quarters are available; and
- (b) the commanding officer considers it necessary that the officer or man live on the station or unit for the proper performance of his duties.

(M)

(28.12 TO 28.19 INCLUSIVE: NOT ALLOCATED)**Section 3—Single Quarters****28.20—ALLOTMENT OF SINGLE QUARTERS TO OFFICERS**

Officers shall be granted the choice of vacant single quarters in order of rank and seniority.

(M)

28.21—ALLOTMENT OF SINGLE QUARTERS TO WARRANT AND SENIOR NON-COMMISSIONED OFFICERS

(1) Warrant officers and senior non-commissioned officers who are not eligible to occupy married quarters shall be:

- (a) allotted quarters separate from those occupied by men below the rank of sergeant; or
- (b) given permission to live out of quarters if
 - (i) quarters separate from those occupied by men below the rank of sergeant are not available, and
 - (ii) the commanding officer does not consider that the exigencies of the service require them to occupy single quarters.

(2) Warrant officers and senior non-commissioned officers shall be granted the choice of vacant single quarters in order of rank and seniority.

(M)

28.22—RIGHT TO RETAIN SINGLE QUARTERS

(1) An officer or man may retain single quarters while he is on leave, except rehabilitation leave, or while absent from the station or unit on duty when:

- (a) the anticipated period of absence does not exceed sixty-one days; and
- (b) the commanding officer does not consider that the exigencies of the service require the re-allotment of the quarters.

(2) An officer or man to whom single quarters have been allotted shall not, without the approval of the commanding officer, be dispossessed by any other officer or man.

(M)

(HQ 1733-28)

(11 Jan 57)

28.23—RETENTION OF UNOCCUPIED SINGLE QUARTERS

An officer shall not retain single quarters he does not occupy unless he is a commanding officer who, if entitled to married quarters and drawing allowance in lieu, does not as a result of such retention exclude another officer.

(M)

28.24—SINGLE QUARTERS FOR AN OFFICER OR MAN WHOSE FAMILY IS OCCUPYING MARRIED QUARTERS

Single quarters may be allotted to an officer or man whose family is occupying married quarters when, owing to the exigencies of the service, he is separated from his family.

(M)

(28.25 TO 28.29 INCLUSIVE: NOT ALLOCATED)

Section 4—Civilians

28.30—MARRIED QUARTERS FOR CIVILIANS

(1) When suitable civilian accommodation is not available, the commanding officer may allot married quarters to a civilian employee of the Government of Canada who:

- (a) fills a position on the service establishment; and
- (b) is not a casual labourer.

(2) Subject to the approval of the officer commanding the command, the commanding officer may allot married quarters to a civilian, other than one mentioned in (1) of this article, when:

- (a) his duties are such that they contribute to the efficiency or welfare of the station or unit; and
- (b) suitable civilian accommodation is not available.

(3) A civilian, except one whose terms of employment with the army entitle him to free quarters, shall be charged for any married quarters allotted to him at the rate prescribed for civilian employees of the Department, unless an amount is fixed or determined by:

- (a) Order in Council; or
- (b) regulations of another government department; or
- (c) the Minister.

(4) The Chief of the General Staff may prescribe the terms and conditions of occupancy of married quarters by civilians.

(M)

(4 Aug 53)

28.31—SINGLE QUARTERS FOR CIVILIANS

(1) The commanding officer may allot single quarters to a civilian employee of the Government of Canada who fills a position on the service establishment.

(2) Subject to the approval of the officer commanding the command, the commanding officer may allot single quarters to a civilian, other than one mentioned in (1) of this article, when:

- (a) his duties are such that they contribute to the efficiency or welfare of the station or unit; and
- (b) suitable civilian accommodation is not available.

(3) A civilian, except one whose terms of employment with the army entitle him to free quarters, shall be charged for any single quarters allotted to him at the rate prescribed for civilian employees of the Department, unless an amount is fixed or determined by:

- (a) Order in Council; or
- (b) regulations of another government department; or
- (c) the Minister.

(4) The Chief of the General Staff may prescribe the terms and conditions of occupancy of single quarters by civilians.

(M)

(4 Aug 53)

(28.32 TO 28.99 INCLUSIVE: NOT ALLOCATED)

WORKS AND BUILDINGS

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

29.01—SAFEGUARDING OF WORKS AND BUILDINGS

(1) The officer commanding a command shall ensure that all works and buildings at a new station or unit are properly safeguarded prior to being taken over by the commanding officer.

(2) The commanding officer shall ensure that all works and buildings at his station or unit are properly safeguarded at all times.

(C)

29.02—NEW CONSTRUCTION

(1) New construction of works and buildings shall be initiated by or under the authority of the Minister.

(2) Proposals for new construction shall be forwarded with the necessary plans, specifications, and estimates to Army Headquarters.

(M)

29.03—MAINTENANCE, ALTERATIONS, AND ADDITIONS TO WORKS AND BUILDINGS

(1) Subject to (2) of this article and within the financial limits prescribed by the Minister, maintenance, alterations, and additions to works and buildings may be authorized:

(a) by the officer commanding the command;

(b) when the officer commanding the command so directs, by

(i) an area commander, or

(ii) the Commander Northwest Highway System, or

(iii) a command engineer officer; and

(c) when so directed by an area commander, or the Commander Northwest Highway System, empowered under (b) of this paragraph, by

(i) an area engineer officer, or

(ii) an area works engineer officer.

(2) No maintenance, alterations, or additions shall be authorized under (1) of this article if they:

(a) involve any structural changes; or

(b) change the nature of the accommodation available; or

(c) contravene any provision of any deed, lease or other agreement affecting the works or buildings concerned; or

(d) contravene any orders issued by the Chief of the General Staff.

(3) Proposals for maintenance, alterations, and additions which may not be authorized under (1) of this article shall be forwarded with the necessary plans, specifications, and estimates to Army Headquarters.

(M)

29.04—ANNUAL ESTIMATES FOR NEW CONSTRUCTION, ALTERATIONS, ADDITIONS, AND MAINTENANCE

(1) The commanding officer of a station or unit shall submit to the officer commanding the command, not later than the first day of August of each year, a report containing:

- (a) his recommendations for new construction, maintenance, and alterations or additions to works and buildings on the station or unit for the next fiscal year; and
- (b) when practicable, plans, specifications, and estimates of the proposed work.

(2) The officer commanding the command shall submit to Army Headquarters not later than the first day of September of each year, a report containing:

- (a) those items of reports submitted under (1) of this article that he recommends;
- (b) any additional new construction, maintenance, and alterations or additions to works and buildings within his command which he considers necessary for the next fiscal year; and
- (c) when practicable, plans, specifications, and estimates of the proposed work.

(C)

29.05—ACQUISITION AND DISPOSAL OF LAND AND WORKS AND BUILDINGS

(1) When the commanding officer of a station or unit recommends a proposal for the:

- (a) acquisition, or disposal including, subject to article 29.09 (Use of Works and Buildings for other than Army Purposes), use for other than military purposes, of land or works and buildings; or

(b) demolition of works and buildings no longer fit for use or worth the cost of repair; he shall submit it to the officer commanding the command.

(2) When a proposal for the acquisition of land or works and buildings for the use of the army is submitted under (1) of this article, the officer commanding the command shall:

- (a) satisfy himself that
 - (i) existing facilities are inadequate for the requirements of the station or unit concerned, and
 - (ii) the required facilities cannot be obtained as economically by any other means; and
- (b) when he decides that the acquisition is necessary
 - (i) forward the proposal together with his recommendations to Army Headquarters, and
 - (ii) when practicable, include with the proposal an estimate of the cost of altering land or works and buildings concerned to meet army requirements.

(3) When a proposal for any disposal of land or works and buildings is submitted under (1) of this article, the officer commanding the command shall:

- (a) satisfy himself that the land and works or buildings are not required for army purposes; and
- (b) if he concurs in the proposed disposal, forward the proposal together with his recommendation to Army Headquarters.

(C)

29.055—TEMPORARY USE OF LAND OR WORKS AND BUILDINGS

Subject to any orders issued by the Chief of the General Staff, the officer commanding the command or the area commander may enter into a lease, licence or similar agreement for the temporary use of land or works and buildings required for army purposes if:

- (a) the term or period of use does not exceed five days; and
- (b) the rental or charge does not exceed twenty-five dollars a day.

(M)

(HQ 1733-29)

(10 Oct 56)

29.06—COMPLETION REPORT ON TAKING OVER WORKS AND BUILDINGS FROM A CONTRACTOR

(1) On completion of contracts covering new construction of, alterations or additions to, or maintenance of works and buildings, a completion report, in the form prescribed by the Chief of the General Staff, shall be prepared indicating the condition of the works and buildings concerned together with any necessary recommendations and shall include:

- (a) a certificate stating whether the contract has been completed in accordance with the approved plans and specifications, accompanied if applicable by a list of discrepancies and deficiencies; and
- (b) a recommendation for the disposal of all moneys held in connection with the contract.

(2) The completion report prepared under (1) of this article shall be signed by:

- (a) the army representative supervising the work;
- (b) the local engineer works officer; and
- (c) the station or unit
 - (i) commanding officer, and
 - (ii) when questions of health or sanitation may arise, the medical officer;

and submitted for approval of the authorities specified in (3) of this article.

(3) The completion report on taking over minor new construction, alterations, additions, and maintenance from the contractor may be approved by the officer commanding the command. The taking over from the contractor of major new construction, alterations, additions, and maintenance shall require the approval of the Chief of the General Staff. For the purposes of this paragraph, minor new construction, alterations, additions, and maintenance shall be as prescribed by the Chief of the General Staff.

(M)

29.07—ALLOTMENT OF BUILDINGS

(1) Each army building shall be allotted to a particular permanent use by the Chief of the General Staff.

(2) An army building may be allotted to a temporary use by or under the authority of the officer commanding the command when:

- (a) the temporary use to which the building is put
 - (i) is one which would be provided at public expense, and
 - (ii) does not contravene the provisions of any deed, lease, or agreement affecting the building; and
- (b) the allotment does not involve an expenditure for other accommodation in lieu of the building concerned.

(M)

29.08—POWERS OF WRITE-OFF—WORKS AND BUILDINGS

(1) The powers of write-off for a loss of works and buildings shall be as prescribed for write-off of materiel in article 36.20 (Powers of Write-Off—Materiel) except that in a single occurrence the total value of the write-off of both materiel and works and buildings shall not exceed the amount authorized for the write-off of materiel in article 36.20.

(9 Jul 58)

(2) A write-off authorized under (1) of this article shall not prejudice subsequent disciplinary or recovery action against an officer or man.

(M)

29.09—USE OF WORKS AND BUILDINGS FOR OTHER THAN ARMY PURPOSES

(1) Subject to (2) and (3) of this article, the officer commanding the command, or the area commander, may authorize the use of works and buildings for other than army purposes if:

- (a) the intended use will not, in his opinion, conflict with the interests of the army;
- (b) no other suitable accommodation is available locally for the proposed purpose;
- (c) where an individual or organization may profit financially by that use, the mayor or reeve approves and certifies that the use will be of benefit to the community as a whole;
- (d) the applicant pays a charge, specified by the officer commanding the command, to cover use of the works and buildings, heating and lighting, and caretaking service and any other maintenance;
- (e) the applicant deposits with the officer commanding the command a fire insurance policy drawn in favour of the Minister to cover the works and buildings and the contents of the buildings, in the amount specified by the officer commanding the command, for the full period of the applicant's use of the works and buildings;
- (f) the applicant arranges for the attendance, during the period of his use of the works and buildings, of as many fire fighters as the officer commanding the command considers necessary; and
- (g) the applicant undertakes in respect of his use of the works and buildings
 - (i) to ensure that the laws of Canada and of the province and municipality concerned are not contravened,
 - (ii) to ensure by consultation with local fire authorities that adequate fire precautions are taken,
 - (iii) to repair or pay compensation for any damage occasioned by that use, and
 - (iv) to indemnify the Crown for all claims of any kind arising out of that use.

**29.09—USE OF WORKS AND BUILDINGS FOR OTHER THAN
ARMY PURPOSES (Cont'd)**

(2) The Minister may waive, or authorize the Chief of the General Staff, the officer commanding the command, or the area commander to waive, all or any of the conditions prescribed in subparagraphs (a) to (f) of (1) of this article when an application for the use of works and buildings is made by or on behalf of a non-commercial organization, or for a non-commercial purpose.

(3) The officer commanding the command shall forward an application for the use of works and buildings for a period in excess of seven days to Army Headquarters with his recommendation for approval by the Chief of the General Staff.

(M)

(21 Jun 55)

(29.10 TO 29.14 INCLUSIVE: NOT ALLOCATED)**Section 2—Inspections****29.15—COMMAND INSPECTION OF WORKS AND BUILDINGS**

(1) The officer commanding the command shall ensure that:

- (a) all works and buildings within the command are inspected annually by the command engineer or his representative who shall submit a written report; and
- (b) the sanitary conditions of all works and buildings within the command are inspected at least annually by the command medical officer or his representative who shall
 - (i) examine and sign the sanitary diary of the station or unit concerned, and
 - (ii) on completion of the inspection submit a report to the officer commanding the command.

(2) When the reports submitted under (1) of this article are received the officer commanding the command shall:

- (a) take required remedial action within his authority; and
- (b) forward to Army Headquarters, with his recommendations, those portions of the reports which require the consideration of higher authority.

(3) Command inspecting officers inspecting the works and buildings at a station or unit shall, when practical, be accompanied by:

- (a) the commanding officer or a senior officer as his representative;
- (b) a works engineer officer;
- (c) a medical officer; and
- (d) the officer commanding a unit when his unit is being inspected.

(C)

29.16—STATION OR UNIT INSPECTIONS OF WORKS AND BUILDINGS

(1) Except as provided in article 29.18, the commanding officer shall inspect the works and buildings on his station or unit at least quarterly, accompanied when practical by:

- (a) a works engineer officer;

(18 Jan 57)

29.16—STATION OR UNIT INSPECTIONS OF WORKS AND BUILDINGS (Cont'd)

- (b) a medical officer; and
 - (c) the officer commanding a unit when his unit is being inspected.
- (2) A works engineer officer or his representative shall inspect periodically and at least semi-annually all works and buildings at a station or unit and report to the commanding officer on each inspection.
- (3) The medical officer or his representative at a station or unit shall inspect:
- (22 Jun 55)
- (a) all kitchen and messing facilities weekly; and
 - (b) all works and buildings
 - (i) on the commanding officer's quarterly inspection, and
 - (ii) at any other time he considers it necessary in order to safeguard the health of the station or unit;

and note in the sanitary diary any conditions adversely affecting the hygiene and sanitation of the station or unit. After each inspection the diary shall be submitted to the commanding officer for any necessary action.

(C)

29.17—INSPECTIONS ON TRANSFER OF WORKS AND BUILDINGS

- (1) When existing works or buildings are being transferred to or from the army, between units within the army or on change of command, an inspection shall be made jointly by:
- (a) a representative of the station or unit or party taking over the works and buildings;
 - (b) a representative of the station or unit or party handing over the works and buildings;
 - (c) a works engineer officer; and
 - (d) when questions of health or sanitation may arise, a medical officer.

(2) On completion of the inspection prescribed in (1) of this article, an inspection report shall be prepared, in the form prescribed by the Chief of the General Staff.

(C) (2 Jul 53)

29.18—INSPECTION OF MARRIED QUARTERS

(1) The commanding officer shall inspect married quarters at least once annually to coincide with one of the semi-annual inspections of the works engineer officer under (2) of article 29.16.

(2) When a change of occupancy of married quarters occurs, an inspection shall be made jointly by:

- (a) the commanding officer; and
- (b) the works engineer officer; and
- (c) if practical, the parties vacating and taking over the married quarters.

(3) The responsibility for damage to public property shall, where practical, be determined during inspections under this article. (*See Chapter 38 — "Liability for Public and Non-Public Property".*)

(C) (HQ 1733-19) (18 Jan 57)

(29.19 TO 29.25 INCLUSIVE: NOT ALLOCATED)**Section 3—Miscellaneous****29.26—STORAGE OF PRIVATELY OWNED VEHICLES**

(1) When practical, areas for parking privately owned vehicles shall be reserved at a station or unit.

29.26—STORAGE OF PRIVATELY OWNED VEHICLES (Cont'd)

(2) No area reserved for parking privately owned vehicles shall be constructed unless the Chief of the General Staff approves:

- (a) the site; and
- (b) the expenditure involved.

(3) When sufficient space is available, the commanding officer may permit an officer or man to store a privately owned vehicle:

- (a) in an army garage provided for the storage of privately owned vehicles; or
- (b) in an army building designated by the Chief of the General Staff as suitable for the storage of privately owned vehicles. *(9 Apr 53)*

(4) When an officer or man has received permission under (3) of this article to store a vehicle in an army building he shall:

- (a) store the vehicle at his own risk;
- (b) vacate the storage space when required;
- (c) observe the fire regulations for army buildings; and
- (d) pay for the storage space at the rate prescribed by the Chief of the General Staff.

(5) Subject to the approval of the officer commanding the command, a commanding officer may grant permission to an officer or man to construct or keep on army property, at his own expense, a building suitable for the storage of a privately owned vehicle, provided that:

- (a) the type and location of the building are approved by the works engineer officer;
- (b) the fire regulations for army buildings are observed; and
- (c) the building shall be removed at the expense of the owner on the instruction of the officer commanding the command.

(M)

(29.27 TO 29.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 30

FIRE PREVENTION SERVICES

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

30.01—FIRE PREVENTION COMMITTEE

(1) The commanding officer of a station or unit shall appoint a fire prevention committee consisting of at least three members one of whom should when practical be an engineer officer or his representative.

(2) The function of the fire prevention committee shall be as prescribed by the Chief of the General Staff.

(C)

30.02—FIRE PREVENTION OFFICER

(1) The commanding officer of a station or unit shall appoint an officer as fire prevention officer.

(2) The fire prevention officer shall act as chairman of the fire prevention committee appointed under article 30.01.

(3) The functions of the fire prevention officer shall be as prescribed by the Chief of the General Staff.

(C)

30.03: RESERVED—AIR FORCE)

30.04—PRACTICE FIRE DRILLS

The commanding officer shall hold practice fire drills in accordance with orders issued by the Chief of the General Staff.

(C)

(HQ 1733-30)

(14 Jul 61)

30.05—REPORTING A FIRE

(1) When a fire occurs at his station or unit, a commanding officer shall:

(a) report it to command headquarters by

(i) a message immediately a fire occurs, and

(ii) a detailed report in writing as soon as practicable after the fire; and

(b) ensure that the message sent under (1)(a)(i) of this article is repeated to Army Headquarters for information.

(2) The officer commanding the command shall ensure that a copy of any report received under (1)(a)(ii) of this article is forwarded immediately to Army Headquarters with his comments and recommendations.

(3) The reports required by (1) and (2) of this article shall be in such form as prescribed by the Chief of the General Staff and shall be in addition to any investigation instituted in accordance with article 21.61 (Investigation of a Fire).

(C)

30.06—FIRE PRECAUTIONS IN ARMY BUILDINGS

An officer commanding a command shall ensure that the officer in whose charge he places any building which is under army control:

- (a) takes fire prevention precautions as prescribed by the Chief of the General Staff; and
- (b) promulgates orders covering action to be taken when fire occurs.

(C)

30.07—FIRE ORDERS

The commanding officer shall ensure that orders relating to the prevention and control of fires at his station or unit are incorporated in standing orders. (*See article 4.21—“Standing Orders”.*)

(C)

(30.08 TO 30.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 31

EMPLOYMENT OF THE CANADIAN FORCES IN A NATIONAL DISASTER

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

31.01—DUTY BY THE ACTIVE FORCE

Section thirty-five of *The National Defence Act* provides in part:

“35. (1) Where the Governor in Council has declared that a disaster exists or is imminent that is, or is likely to be, so serious as to be of national concern, the regular forces or any unit or other element thereof or any officer or man thereof shall be liable to perform such services in respect of the disaster, existing or imminent, as the Minister may authorize, and the performance of such services shall be deemed to be . . . army . . . duty, . . .”

(C)

31.02—DUTY BY THE RESERVES

Section thirty-five of *The National Defence Act* provides in part:

“35. (2) Where the Governor in Council declares that a disaster as mentioned in subsection one exists or is imminent and that the services of the reserve forces are required for the purpose of rendering assistance in respect of the disaster, existing or imminent, the Governor in Council may authorize the reserve forces or any unit or other element thereof or any officer or man thereof to be called out on service for that purpose and all officers and men while so called out shall be deemed to be performing . . . , army . . . duty,”

(3) Nothing in subsection two shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.”

(C)

(31.03 TO 31.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 32

BANDS

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

32.01—GENERAL ORGANIZATION OF BANDS

- (1) This chapter shall apply to those army bands:
 - (a) authorized by establishment and composed of
 - (i) full-time bandsmen of the Canadian Army (Regular), or
 - (ii) bandsmen of the Canadian Army (Militia); and
 - (b) authorized by the Chief of the General Staff and composed of men of any rank and trade.
 - (2) Participation in bands authorized by the Chief of the General Staff shall:
 - (a) be on a voluntary basis; and
 - (b) not interfere with army duties.
- (M)

32.02—BAND COMMITTEE

A commanding officer or a band committee appointed by him shall:

- (a) negotiate all band engagements;
 - (b) manage the financial affairs of the band; and
 - (c) ensure that all band property is safeguarded and maintained.
- (C)

32.03—BAND RECEIPTS AND EXPENDITURES

- (1) Subscriptions and donations made for the benefit of a band shall be deposited in the regimental fund account but shall be available for band expenditures only.
- (2) The regimental fund committee, with the approval of the commanding officer, may make an appropriation for the purchase of band instruments, accessories, and music.
- (3) All expenditures of non-public funds for band purposes shall be approved by the commanding officer.

(C)

32.04—BAND PROPERTY

- (1) Band property shall include all band instruments, accessories and music:
 - (a) presented to or purchased by a band, station or unit; or
 - (b) issued to a band.
- (2) Band property obtained in accordance with (1)(a) of this article shall be accounted for as non-public property as prescribed by the Chief of the General Staff.

32.04—BAND PROPERTY (Cont'd)

(3) Band property obtained in accordance with (1)(b) of this article shall be carried on unit charge and accounted for as public property as prescribed by the Chief of the General Staff.

(M)

(32.05 TO 32.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 33

CHAPLAIN SERVICES

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

33.01—RELIGIOUS SERVICES

- (1) Subject to the exigencies of the service the commanding officer of a station or unit shall:
 - (a) provide for the performance of religious services on all Sundays and Holy Days of Obligation;
 - (b) provide adequate accommodation and facilities for conducting these services;
 - (c) render the chaplain or officiating clergyman every assistance in the performance of his duty; and
 - (d) provide the opportunity for an officer or man or his family to attend religious services and receive any further religious ministrations that may be desired.
- (2) Subject to (3) of this article, the commanding officer of a station or unit may order a church parade at his discretion.
- (3) No officer or man shall be required to attend a religious service other than a service of the group in which his denomination is included. *(See article 33.05—"Religious Denominations".)*

(C) (HQ 1733-33) (7 Jan 52)

33.02—PROVISION OF CHAPLAINS AND OFFICIATING CLERGYMEN

- (1) When a station or unit is without a chaplain the officer commanding the command shall, subject to the exigencies of the service, ensure that:
 - (a) a chaplain; or
 - (b) an officiating clergyman;is provided to conduct the religious services and ministrations.
- (2) An officiating clergyman provided under (1)(b) of this article shall be:
 - (a) a chaplain of the Reserves of any Service of the Canadian Forces who is not on Continuous Naval, Army or Air Force Duty; or
 - (b) a fully qualified clergyman who fulfills the requirements prescribed by the Chief of the General Staff.
- (3) An officiating clergyman provided under this article shall:
 - (a) when practicable be governed by the same provisions as are prescribed for a chaplain; and
 - (b) receive for his services the pay and allowances prescribed in articles 210.51 (Chaplains and Officiating Clergymen—Reserves) and 210.62 (Civilian Officiating Clergymen—Fees and Expenses).

(C)

33.03—RELIGIOUS MINISTRATIONS

(1) A chaplain shall promote the moral and spiritual welfare of all persons on the station or unit and shall:

- (a) conduct religious, baptismal, marriage, and burial services;
- (b) arrange for religious ministrations for officers and men or their families who are
 - (i) sick, or
 - (ii) in service or civil custody, or
 - (iii) desirous of it; and
- (c) be prepared to give assistance and instruction on religious subjects to all persons on a station or unit.

(2) No chaplain shall be required to perform any duties other than those pertaining to his calling.

(3) A chaplain may accept an invitation to assist at any religious service that does not interfere with his army duties.

(4) No chaplain shall accept a fee for any service performed in his official army capacity or as part of his army duty.

(C)

33.04—COMMUNICATION WITH SENIOR CHAPLAINS

A chaplain shall have the privilege of direct communication on strictly ecclesiastical matters with his superiors in the chaplain service.

(C)

33.05—RELIGIOUS DENOMINATIONS

(1) An officer or man shall, when he enrolls, declare his religious denomination. He may, by a statement in writing, change his denomination at any time, and the commanding officer shall authorize the necessary alterations in the records of the officer or man concerned.

(2) For army purposes, all denominations shall be grouped as:

- (a) Protestant to include
 - (i) Church of England,
 - (ii) United Church,
 - (iii) Presbyterian,
 - (iv) Baptist,
 - (v) Lutheran,
 - (vi) Christian Science,
 - (vii) Greek Orthodox, and
 - (viii) other Protestant denominations;
- (b) Roman Catholic to include
 - (i) Roman Catholic, and
 - (ii) Greek Catholic;
- (c) Jewish; and
- (d) other religions and persuasions.

33.05—RELIGIOUS DENOMINATIONS (Cont'd)

(3) The commanding officer shall provide:

- (a) a nominal roll by denominations of all officers and men on the strength of a station or unit for use by the chaplain or officiating clergyman concerned; and
- (b) on request, a certificate stating the number of officers and men on the station or unit of the denomination served by the officiating clergyman.

(C)

(33.06 TO 33.99 INCLUSIVE: NOT ALLOCATED)

MEDICAL SERVICES

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

34.01—RESPONSIBILITIES OF MEDICAL OFFICERS

The senior medical officer at all levels of command shall be the responsible adviser to the senior officer exercising the function of command or executive authority on all matters pertaining to the health and physical efficiency of all personnel under his jurisdiction.

(C)

34.015—DEFINITION OF “MEDICAL CARE”

In QR(Army), “medical care” means medical and surgical treatment, diagnostic and investigational procedures, hospitalization, transportation as a patient, and the supply and maintenance of prosthetic appliances.

(M)

(1 Sep 51)

(34.02 TO 34.06 INCLUSIVE: RESERVED—NAVY)

34.07—ENTITLEMENT TO MEDICAL CARE

(1) Subject to (4) of this article, an officer or man of:

- (a) the Canadian Army (Regular); or
- (b) the Active Service Force;

who suffers any injury, disease, or illness shall be entitled to medical care at public expense.

(2) Subject to (4) of this article, an officer or man of the Reserves who suffers any injury, disease, or illness attributable to the performance of his duty, shall be entitled:

- (a) for the remaining period of his duty, to medical care at public expense; and
- (b) after termination of the period of his duty, to such medical care at public expense as the attending medical officer may consider necessary.

(3) Subject to (4) of this article, an officer or man of the Reserves who suffers any injury, disease, or illness not attributable to the performance of his duty and not as a result of his misconduct or imprudence, shall be entitled:

- (a) if the injury, disease, or illness occurs while he is on active service, on Continuous Army Duty, or on Special Duty, to medical care in accordance with (2) of this article;
- (b) if the injury, disease, or illness occurs while he is on Camp Training, to medical care in accordance with (5) of this article;
- (c) if the injury, disease, or illness occurs while he is on Local Training, to immediate emergency treatment only; and
- (d) if the injury, disease, or illness occurs while he is on any duty not mentioned in (a), (b), or (c) of this paragraph, and unless the Minister otherwise directs, to medical care in accordance with (2) of this article.

34.07—ENTITLEMENT TO MEDICAL CARE (Cont'd)**(4) An officer or man:**

- (a) shall not be entitled to medical care at public expense
 - (i) when he is on leave without pay and the injury, disease, or illness was received or contracted subsequent to the effective date on which his leave commenced, or
 - (ii) beyond the twenty-first day of a period of absence without authority, or
 - (iii) beyond the date of his release; and
- (b) may be denied medical care at public expense when he has failed to comply with the regulations governing medical care while on leave or pass. (23 Oct 55)

(5) An officer or man who is entitled to medical care under subparagraph (b) of (3) of this article shall receive:

- (a) medical care at public expense until the date upon which the period of duty terminates or until the date upon which he is returned to his home, whichever is the earlier; and
- (b) after the termination of the period of his duty
 - (i) when his condition permits him to be sent to his home, such further medical care as may be authorized by the Minister, or
 - (ii) when his condition does not permit him to be sent to his home, such further medical care at public expense as the attending medical officer may consider necessary.

(6) Medical care authorized in this article may be given:

- (a) in a military hospital or a hospital or a ward administered by the Department of Veterans Affairs, or a civil hospital; and
- (b) by a naval, army, or air force medical officer, a medical officer of the Department of Veterans Affairs, or a civilian medical practitioner.

(7) An officer or man of the Reserves who is not on active service, Continuous Army Duty or Special Duty, and who, in the opinion of the officer commanding the command, unreasonably refuses to accept the medical care prescribed shall not, as from the date of refusal, be granted any further medical care for that injury, disease, or illness.

(8) A person subject to the Code of Service Discipline under Section 56(1)(d), (e), (f), (g), (h), (i), or (j) of *The National Defence Act*, who is held in service custody shall, if he suffers any injury, disease, or illness during his confinement, be given medical care at public expense until he is discharged from service custody, or from hospital, whichever is the later.

(M) (23 Mar 55)

(34.08: NOT ALLOCATED)**(34.09: RESERVED—NAVY)****34.10—MEDICAL CARE IN FOREIGN COUNTRIES**

(1) An officer or man who is entitled to and requires medical care while in a country outside Canada, other than the United States of America shall report, in the order shown, to:

- (a) any available unit of the army; or
- (b) any available unit of another of the Canadian Forces; or
- (c) any available unit of another of Her Majesty's Forces; or
- (d) the nearest diplomatic or consular authority representing
 - (i) Canada, or
 - (ii) the United Kingdom; or
- (e) the nearest unit of the foreign naval, army, or air forces; or
- (f) a civilian medical practitioner or hospital.

34.10—MEDICAL CARE IN FOREIGN COUNTRIES (Cont'd)

(2) When an officer or man reports under (1)(e) or (f) of this article he shall ensure that the nearest diplomatic or consular authority representing Canada or the United Kingdom is informed of the circumstances immediately.

(3) An officer or man who requires medical care while in the United States of America shall report, in the order shown, to:

- (a) any available unit of the army; or
- (b) any available unit of another of the Canadian Forces; or
- (c) the United States of America army, navy, or air force medical services; or
- (d) a civilian medical practitioner or hospital.

(4) When an officer or man reports under (3)(d) of this article he shall:

- (a) ensure that the Commander, Canadian Army Staff, Washington, D.C., is informed immediately; and
- (b) request the civilian practitioner or hospital authorities to forward the accounts for treatment to the Surgeon-General, United States Army, Washington, D.C.

(M)

(22 Oct 53)

34.11—MEDICAL CARE WHILE ON LEAVE OR PASS IN CANADA

(1) An officer or man while on leave or pass in Canada who is entitled to medical care shall report to the nearest army station or unit which is readily accessible when he:

- (a) requires medical care; or
- (b) has been in contact with an infectious disease.

(2) When an army station or unit is not readily accessible, an officer or man shall:

- (a) report, in the order shown, to
 - (i) a station or unit of the navy or air force, or
 - (ii) the Department of Veterans Affairs, or
 - (iii) a civilian medical practitioner or hospital; and
- (b) personally ensure that the commanding officer of the nearest army station or unit is informed.

(3) The commanding officer of a station or unit to which an officer or man has reported under (1) of this article or who has received information under (2)(b) of this article shall:

- (a) immediately inform the commanding officer of the patient's home station or unit; and
- (b) after medical care is completed or suspended, obtain and forward a descriptive case history to the patient's commanding officer.

34.11—MEDICAL CARE WHILE ON LEAVE OR PASS IN CANADA (Cont'd)

(4) Accounts rendered by civilian medical practitioners or hospitals for medical care obtained in accordance with (2) of this article shall be forwarded in quadruplicate to the patient's station or unit for payment by the Department of National Defence.

(M)

(34.12: NOT ALLOCATED)**34.13—CONTROL OF MEDICAL CARE**

(1) An officer or man shall produce his identification card and, if applicable, his leave or pass form when applying for medical care under article 34.10 or article 34.11.

(2) An officer or man who has received medical care while absent from his station or unit shall report to the medical officer immediately on return.

(C)

34.14—PROVISION OF MEDICAL ATTENTION, DRUGS AND SURGICAL DRESSINGS TO DEPENDENTS

(1) Except as provided in articles 34.145 and 34.146, dependents of officers or men are not entitled to medical care but may receive medical attention at inspection rooms, married quarters and out-patient departments of military hospitals subject to such conditions as the Minister may prescribe. The Minister may prescribe what drugs and surgical dressings, such as can be supplied from government medical stores, may be issued to dependents.

(2) For the purpose of this article, "dependents" shall have the meaning prescribed in article 209.80 (Definitions).

(G) (PC 1958—23/1386 of 10 Oct 58) (HQ 1733-34)

(10 Oct 58)

34.145—MEDICAL CARE IN NORTHERN CANADA—DEPENDENTS

(1) For the purposes of this article:

(a) "dependent" means a dependent as defined in article 209.80 who is resident in Northern Canada with the officer or man concerned; and

(b) "Northern Canada" shall have the meaning prescribed in article 205.40.

(2) Subject to (4) of this article, a dependent who is in need of medical care may be given:

(a) medical care to the extent available in the locality where he is residing; or

(b) when the medical care required is not reasonably available in the locality where he is residing

(i) transportation in accordance with article 209.825 (Transportation of Dependents—Medical Care and Dental Treatment) to and from, and medical care at, another place in Northern Canada where necessary facilities are available, or

(ii) transportation and accommodation in accordance with article 209.825 to and from a place in Canada outside Northern Canada, but in this event no medical care shall be provided at public expense.

34.145—MEDICAL CARE IN NORTHERN CANADA—DEPENDENTS (Cont'd)

- (3) Subject to (4) of this article, medical care authorized under this article may be given:
- (a) in a military or civil hospital; and
 - (b) by a military medical officer or civilian medical practitioner.

(4) No medical care at public expense shall be given to a dependent by a civilian medical practitioner or in a civil hospital without the approval of the officer commanding the command or area commander.

(G)

(14 Apr 54)

34.146—MEDICAL CARE FOR DEPENDENTS OVERSEAS

- (1) For the purpose of this article:
- (a) "dependent" means a dependent as defined in article 209.80; and
 - (b) "overseas area" means an area outside Canada designated as such by the Minister.
- (2) Subject to (3) of this article, a dependent residing in an overseas area who is in need of medical care may be given medical care to the extent available from:
- (a) Canadian military sources in the locality; or
 - (b) when the medical care required is not available from Canadian military sources, the medical facilities of the forces of another country that cares for Canadian forces in the area.

(3) Except as prescribed in (4) of this article, an officer or man whose dependent is admitted to a military hospital under this article shall pay the Crown an amount equal to two-thirds of the prevailing rates charged for in-patient treatment by the Department of Veterans Affairs.

(4) Where, under this article, a child is born in or admitted to a military hospital, the officer or man shall pay the Crown at the following rate per day:

- (a) for an infant under six months of age
 - (i) in newborn or premature nursery while the mother is still in hospital...\$2.00,
 - (ii) in newborn or premature nursery after the discharge of the mother...\$3.00,
 - (iii) on admission or re-admission.....\$3.00;
- and
- (b) for a child six months of age or over.....2/3 DVA rate.

(5) Charges prescribed in (3) and (4) of this article may be charged to the pay account of the officer or man concerned in accordance with orders issued by the Chief of the General Staff.

(G) (PC 1958—22/1386 of 10 Oct 58)

(HQ 1733-34)

(10 Oct 58)

34.15—MEDICAL BOARDS

(1) A medical board shall be assembled to examine the medical conditions of an officer or man:

- (a) of the Canadian Army (Regular) and the Active Service Force
 - (i) before he is released or is transferred to the Reserves,
 - (ii) before his medical category is permanently altered,
 - (iii) before he proceeds on leave without pay and after his return from that leave,
 - (iv) when the total of sick leave recommended exceeds 30 days,
 - (v) on his repatriation to Canada for medical reasons, and
 - (vi) at any other time prescribed by the Chief of the General Staff; and
- (b) of the Reserves when prescribed by the Chief of the General Staff.

(2) A medical board shall consist of:

- (a) three medical officers; or
- (b) when three medical officers are not available, two medical officers.

(3) An army medical officer may when necessary, in order to constitute a medical board, request the co-operation of a medical officer of the navy or air force or of a civilian medical practitioner employed under article 34.17 (Employment of Additional Medical Practitioners and Registered Nurses).

(M)

34.16—MEDICAL EXAMINATION

An officer or man shall be required to undergo medical examinations and chest X-rays on the occasions prescribed by the Chief of the General Staff.

(C)

34.165—MEDICAL EXAMINATION BEFORE COMMITTAL

(1) A person shall, prior to his committal to undergo a sentence of imprisonment or detention, be medically examined by a medical officer who shall certify on the Committal Order (see article 114.42—“*Authority for Committal and Transfer*”) that he is:

- (a) fit;
- (b) fit subject to limitations; or
- (c) unfit;

to undergo his punishment.

(2) A certificate made in accordance with (1) of this article shall be in the following form:

“Certificate of Medical Fitness

I certify that.....
(number) (rank) (surname) (Christian names)

is (fit)
(fit subject to.....)
(specify limitations)

(unfit by reason of.....)
(specify reasons)

to undergo (imprisonment).
(detention)

.....
(Date) (Medical Officer)

(C)

(28 Jun 55)

34.17—EMPLOYMENT OF ADDITIONAL MEDICAL PRACTITIONERS AND REGISTERED NURSES

(1) When the exigencies of the service so require and medical services are not available from any other Service of the Canadian Forces or other department of the Government of Canada, the Chief of the General Staff or the officer commanding the command may so certify and authorize the employment of:

- (a) a medical officer of the Reserves of any Service of the Canadian Forces, or a civilian medical practitioner; and
- (b) a registered nurse.

(2) Persons employed under (1) of this article shall be reimbursed for their services and expenses in accordance with article 210.61 (Civilian Medical Practitioners and Registered Nurses—Fees and Expenses).

(G)

(34.18 TO 34.99 INCLUSIVE: NOT ALLOCATED)

(3) Subject to (4) of this article, medical care authorized under this article may be given:

- (a) in a military or civil hospital; and
- (b) by a military medical officer or civilian medical practitioner.

(G)

(14 Apr 54)

(1) A medical board shall be assembled to examine the medical conditions of an officer or man:

- (a) of the Canadian Army (Regular) and the Active Service Force
 - (i) before he is released or is transferred to the Reserves,
 - (ii) before his medical category is permanently altered,
 - (iii) before he proceeds on leave without pay and after his return from that leave,
 - (iv) when the total of sick leave recommended exceeds 30 days,
 - (v) on his repatriation to Canada for medical reasons, and
 - (vi) at any other time prescribed by the Chief of the General Staff; and
 - (b) of the Reserves when prescribed by the Chief of the General Staff.
- (2) A medical board shall consist of:
- (a) three medical officers; or
 - (b) when three medical officers are not available, two medical officers.

(3) An army medical officer may when necessary, in order to constitute a medical board, request the co-operation of a medical officer of the navy or air force or of a civilian medical practitioner employed under article 34.17 (Employment of Additional Medical Practitioners and Registered Nurses).

(M)

An officer or man shall be required to undergo medical examinations and chest X-rays on the occasions prescribed by the Chief of the General Staff.

(C)

(1) A person shall, prior to his committal to undergo a sentence of imprisonment or detention, be medically examined by a medical officer who shall certify on the Committal Order (*see article 114.42—“Authority for Committal and Transfer”*) that he is:

- (a) fit;
(b) fit subject to limitations; or
(c) unfit;

to undergo his punishment.

(2) A certificate made in accordance with (1) of this article shall be in the following form:

I certify that.....
 (number) (rank) (surname) (Christian names)

is (fit)

(fit subject to.....)(specify limitations)

(unfit by reason of.....)
(specify reasons)

to undergo (imprisonment).
(detention)

.....
(Date)

.....
(Medical Officer)

(C)

(28 Jun 55)

34.17—EMPLOYMENT OF ADDITIONAL MEDICAL PRACTITIONERS AND REGISTERED NURSES

(1) When the exigencies of the service so require and medical services are not available from any other Service of the Canadian Forces or other department of the Government of Canada, the Chief of the General Staff or the officer commanding the command may so certify and authorize the employment of:

- (a) a medical officer of the Reserves of any Service of the Canadian Forces, or a civilian medical practitioner; and
- (b) a registered nurse.

(2) Persons employed under (1) of this article shall be reimbursed for their services and expenses in accordance with article 210.61 (Civilian Medical Practitioners and Registered Nurses—Fees and Expenses).

(G)

(34.18 TO 34.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 35

DENTAL SERVICES

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

35.01—RESPONSIBILITIES OF DENTAL OFFICERS

The senior dental officer at all levels of command shall be the responsible adviser to the senior officer exercising the function of command or executive authority on all matters pertaining to the dental health of all personnel under his jurisdiction.

(C)

(12 Mar 53)

35.015—DENTAL TREATMENT

(1) "Comprehensive dental treatment", for the purposes of this chapter, shall mean the treatment required to establish and maintain dental fitness, sufficient to provide reasonable assurance of masticatory efficiency and freedom from pain for a period of one year.

(2) "Restricted dental treatment", for the purposes of this chapter, shall mean:

(a) the repair of broken dentures; or

(b) dental treatment for the relief of pain and acute infection.

(M)

(12 Mar 53)

35.02—ENTITLEMENT TO DENTAL TREATMENT

(1) An officer or man of the Canadian Army (Regular) or of the Active Service Force shall be entitled to comprehensive dental treatment except:

(a) when he is on leave without pay; or

(b) beyond the twenty-first day of a period of absence without authority; or

(c) beyond the date of his release.

(23 Oct 55)

(3 Apr 58)

(2) When an officer or man of the Reserves is on active service or employed on Continuous Army Duty, or on Special Duty for a period in excess of six months, he shall, during that period, be eligible for comprehensive dental treatment.

(3) An officer or man of the Reserves:

(a) shall be entitled to restricted dental treatment

(i) when employed on Special Duty for a period not in excess of six months, and

(ii) during any period of Camp Training; or

(b) who suffers any injury to the teeth attributable to the performance of duty shall be entitled to such treatment as may be necessary to restore a state of dental fitness comparable to that which existed prior to the injury, if such injury is not attributable to his own misconduct or imprudence.

(3 Apr 58)

(4) An officer or man of the Reserves who, in the opinion of the officer commanding the command, unreasonably refuses to accept the dental treatment prescribed for his injury or disease shall not from the date of refusal be entitled to any further treatment for that injury or disease.

35.02—ENTITLEMENT TO DENTAL TREATMENT (Cont'd)

(5) A person subject to the Code of Service Discipline under Section 56(1)(d), (e), (f), (g), (h), (i), or (j) of the *National Defence Act* who is held in service custody shall be given restricted dental treatment.

(M)

(23 Mar 55)

(35.03: NOT ALLOCATED)**35.04—DENTAL TREATMENT IN NORTHERN CANADA—DEPENDENTS**

(1) For the purposes of this article "dependent" and "Northern Canada" shall have the meaning prescribed in article 34.145 (Medical Care in Northern Canada—Dependents).

(2) Subject to (4) of this article, a dependent may be given:

(a) comprehensive dental treatment to the extent available in the locality where he is residing; or

(b) when the dental treatment required is not reasonably available in the locality where he is residing,

(i) transportation in accordance with article 209.825 (Transportation of Dependents—Medical Care and Dental Treatment) to and from, and comprehensive dental treatment at, another place in Northern Canada where necessary facilities are available, or

(ii) transportation and accommodation in accordance with article 209.825 to and from a place in Canada outside Northern Canada, but in this event no dental treatment shall be provided at public expense.

(3) Subject to (4) of this article, dental treatment authorized under this article may be given by a military dental officer or a civilian practitioner.

(4) No dental treatment at public expense shall be given to a dependent by a civilian practitioner without the approval of the officer commanding the command or area commander.

(G)

(14 Apr 54)

35.05—DENTAL TREATMENT WHILE ON LEAVE OR PASS IN CANADA

(1) An officer or man who is entitled to dental treatment shall when he is on leave or pass in Canada report to the nearest Royal Canadian Dental Corps clinic when he requires dental treatment.

(2) When a Royal Canadian Dental Corps clinic is not available an officer or man may report to a civilian practitioner for restricted treatment.

(3) Accounts rendered by civilian practitioners for dental treatment obtained under (2) of this article shall be forwarded in triplicate to the command dental officer for payment by the Department of National Defence.

(3 Apr 58)

(M)

35.06—DENTAL TREATMENT IN FOREIGN COUNTRIES

(1) An officer or man who is entitled to and requires dental treatment while in a foreign country other than the United States of America shall report, in the order shown, to:

- (a) any available Royal Canadian Dental Corps clinic; or
- (b) any available unit of another of Her Majesty's Forces; or
- (c) the nearest diplomatic or consular authority representing
 - (i) Canada, or
 - (ii) the United Kingdom; or
- (d) the nearest unit of the foreign naval, military or air force; or
- (e) a civilian practitioner.

(2) When an officer or man reports under (1)(d) or (e) of this article he shall ensure that the nearest diplomatic or consular authority representing Canada or the United Kingdom is informed of the circumstance immediately.

(3) An officer or man who requires dental treatment while in the United States of America shall report in the order shown, to:

- (a) any available Royal Canadian Dental Corps clinic; or
- (b) any United States of America army, naval or air force dental services; or
- (c) a civilian practitioner.

(4) When an officer or man reports under (3)(c) of this article he shall:

- (a) ensure that the Commander, Canadian Army Staff, Washington, D.C., is informed immediately; and
- (b) request the civilian practitioner or hospital authority to forward the accounts for treatment to the Surgeon-General, United States Army, Washington, D.C.

(5) An officer or man who reports to a civilian practitioner under (1) or (3) of this article shall obtain prior approval from Army Headquarters when other than restricted dental treatment is required.

(M)

(35.07 TO 35.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 36

MATERIEL

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

Section 1—General

36.01—ARMY MATERIEL

Subject to the direction of the Minister, the materiel supplied to or used by the army shall be:

- (a) of the type, pattern, and design; and
- (b) issued on the scales and in the manner;

prescribed by the Chief of the General Staff.

(M)

36.02—DISPOSAL OF MATERIEL

No officer or man shall:

- (a) barter, sell, or otherwise dispose of materiel; or
- (b) be allowed to purchase materiel;

except as prescribed in QR(Army) or in any orders issued by the Chief of the General Staff.

(M)

36.03—ACCOUNTING FOR MATERIEL

Subject to direction by the Minister, all army materiel shall be accounted for in the manner prescribed by the Chief of the General Staff.

(M)

36.04—TITLE TO CLOTHING

An officer or man may acquire title to items of clothing on such terms and conditions as the Minister may prescribe.

(G) (PC 1956-12/1001 of 5 Jul 56)

(5 Jul 56)

36.05—USE OF MATERIEL FOR PRIVATE PURPOSES

- (1) Subject to (2) of this article, no officer or man shall use any materiel for private purposes.
- (2) The provisions of (1) of this article shall not apply to materiel that is:
 - (a) issued for personal use or recreational purposes; or
 - (b) loaned under the authority of the Minister or of a person designated by him as a loan authority.

(M)

(15 Mar 55)

(36.06 TO 36.09 INCLUSIVE: NOT ALLOCATED)

Section 2—Loss of or Damage to Materiel

36.10—REPORTING A LOSS OF OR DAMAGE TO MATERIEL

Any person who discovers the loss of or damage to army materiel shall immediately report the circumstances to the commanding officer.

(C)

36.11—ACTION BY THE COMMANDING OFFICER TO WHOM LOSS OF OR DAMAGE TO MATERIEL IS REPORTED

- (1) The commanding officer to whom loss of or damage to materiel is reported shall:
- (a) take action as prescribed in article 21.71 (Loss of or Damage to Public Property) or 21.73 (Investigation into Loss or Damage Due to a Criminal Offence);
 - (b) when weapons, ammunition or other explosives are lost, report the circumstances immediately to the officer commanding the command or area commander and the police or other appropriate civil authorities; and
 - (c) when narcotics are lost, report the circumstances immediately to the officer commanding the command or area commander and the Royal Canadian Mounted Police.
- (2) The authorities to whom a report of the loss of materiel has been made under (1) of this article shall be notified of any subsequent recovery of the lost materiel.
- (C) (HQ 1733-36) (21 Nov 58)

36.12—DETERIORATION OF MATERIEL

- (1) When abnormal deterioration of materiel is discovered or suspected the commanding officer shall immediately arrange for inspection of the deteriorated materiel by a qualified officer.
- (2) When the abnormal deterioration is confirmed by inspection, the commanding officer shall:
- (a) take action as prescribed in article 21.71 (Loss of or Damage to Public Property); and
 - (b) report immediately to the officer commanding the command or area commander if ammunition or explosives are affected.
- (C)

36.13—DEFICIENCIES DISCOVERED DURING INVENTORY CHECKS OR AT STOCKTAKING

Deficiencies of materiel discovered during inventory checks or at stocktaking shall be adjusted in the appropriate materiel records in the manner prescribed by the Chief of the General Staff.

(M)

36.14—REFUND ON RECOVERY OF LOST OR DAMAGED MATERIEL

When part or all of the value of materiel lost or damaged has been recovered from an officer or man and the materiel is subsequently:

- (a) located; or
 - (b) completely repaired at the further expense of the officer or man concerned;
- the Chief of the General Staff may authorize a refund of the amount previously recovered.
- (M)

(36.15 TO 36.19 INCLUSIVE: NOT ALLOCATED)

Section 3—Write-offs

36.20—POWERS OF WRITE-OFF—MATERIEL

- (1) For the purpose of this article, "write-off" means the deletion from unit inventory of materiel on public charge which has been lost.
- (2) The power to authorize write-off shall be as prescribed in the table to this article.
- (3) The authority who may authorize write-off shall be determined by using the full catalogue rate of the lost materiel regardless of any financial recovery.
- (4) When the loss of a number of items of materiel arises out of a single occurrence the aggregate value shall determine the appropriate authority to authorize the write-off.
- (5) Action taken to obtain authorization of a write-off shall not preclude the immediate adjustment of the appropriate materiel records.
- (6) No write-off shall be approved without prior investigation of the matter by commanding officer's investigation or a board of inquiry.

(M)

(HQ 1733-36)

(15 Apr 57)

TABLE TO ARTICLE 36.20

See next page.

TABLE TO ARTICLE 36.20

Art. 36.20

QR(Army)

	POWERS OF WRITE-OFF				
	By the commanding officers of such units or types of units and officers holding such appointments as may be prescribed by the Chief of the General Staff	By the Commanding Officer of a Central Ordnance Depot, Regional Ordnance Depot, Command Ordnance Depot or Command Supply Depot	By the Area Commander	By the Officer Commanding the Command	By the Chief of the General Staff
When a loss of materiel is, after investigation, found to be:					
(a) due to a cause that cannot be determined or to a cause other than fraud, theft, arson, or gross negligence	\$50.00	\$100.00	\$500.00	\$2500.00	\$2500.00
(i) for any single instance or occurrence arising out of normal routine,					
(ii) for each catalogue section or NATO class, as applicable, at stocktaking at such units as may be prescribed by the Chief of the General Staff,	\$50.00	\$100.00	\$500.00	\$2500.00	\$2500.00
(iii) for each articles-in-use account,	\$50.00	\$100.00	\$500.00	\$2500.00	\$2500.00
(iv) for each special stocktaking, and					
(v) for any trivial discrepancy in a single shipment of materiel despatched to or received from other depots or units or issued to contractors or returned from contractors after issue or loan when the responsibility is not clearly that of the contractor; or	As prescribed by the Chief of the General Staff	As prescribed by the Chief of the General Staff	As prescribed by the Chief of the General Staff	As prescribed by the Chief of the General Staff	Not applicable
(b) due to fraud, theft, arson, or gross negligence	Nil	\$50.00	\$50.00	\$250.00	\$250.00
(i) caused by a person who cannot be identified or by a person who is not an officer or man or a civilian employed by the Department, and					
(ii) caused by an officer or man or a civilian employed by the Department.	Nil	Nil	Nil	Nil	Nil

(M)

(HQ 1733-36)

(15 Apr 57)

36.21—REPORTS OF WRITE-OFFS

A quarterly report of the write-offs he has authorized under article 36.20 shall be forwarded to Army Headquarters by:

- (a) the officer commanding the command;
- (b) the area commander; and
- (c) the commanding officer of a depot.

(C)

36.22—PREJUDICE OF DISCIPLINARY ACTION

A write-off of materiel authorized under article 36.20 shall not prejudice any subsequent disciplinary or recovery action against an officer or man.

(M)

(36.23 TO 36.28 INCLUSIVE: NOT ALLOCATED)**Section 4—Explosives****36.29—ISSUE AND POSSESSION OF AMMUNITION AND EXPLOSIVES**

(1) No ammunition or explosives which are public property shall be:

- (a) issued to; or
- (b) in the possession of;

an officer or man without the authority of his commanding officer.

(2) The officer or man in charge of a guard, picket, escort, or other persons who require ammunition or explosives in the performance of a specific duty shall:

- (a) be responsible for the issue, use, and care of any ammunition or explosives drawn; and
- (b) on completion of the duty for which the ammunition or explosive is required
 - (i) verify any unexpended balance, and
 - (ii) ensure that the unexpended balance is returned to the explosive store.

(C)

(36.30 TO 36.34 INCLUSIVE: NOT ALLOCATED)

Section 5—Rations

36.35—ENTITLEMENT TO RATIONS

(1) Except as prescribed in (2) of this article, the commanding officer of a station or unit shall be entitled to draw a daily ration to the approved scale for:

- (a) each officer and man on the strength of the station or unit who is not receiving Subsistence Allowance or Ration Allowance;
- (b) each member of the Canadian Forces on temporary duty or attached duty at the station or unit and taken on ration strength for the period of that duty;
- (c) each patient in a hospital of the station or unit; (20 Mar 55)
- (d) each Royal Canadian Army Cadet when attending a summer camp at the station or unit or on other occasions prescribed by the Minister;
- (e) each civilian employee of the Department on the strength of a station or unit whose terms of engagement provide entitlement to prepared rations without financial recovery;
- (f) each person authorized to be provided with prepared rations on financial recovery;
- (g) each person held in close custody in the unit detention room for whom a daily ration is not otherwise drawn; and (4 Aug 55)
- (h) each other person prescribed by the Minister.

(2) No daily ration shall be drawn under (1) of this article for any person who is absent from the station or unit for a period of more than forty-eight hours for any reason except detached duty when continuing to draw unit rations.

(M)

(36.36 TO 36.99 INCLUSIVE: NOT ALLOCATED)

CHAPTER 37
(RESERVED—NAVY)

CHAPTER 38

LIABILITY FOR PUBLIC AND NON-PUBLIC PROPERTY

*(Refer carefully to article 1.02 (Definitions)
when reading every regulation in this chapter.)*

38.01—LIABILITY FOR PUBLIC PROPERTY

An officer or man who:

- (a) makes any improper purchase at public expense; or
- (b) wilfully or negligently causes, permits, or contributes to damage to or the loss, deficiency, theft, destruction, deterioration, or improper expenditure of any public property or any other property under the control of the Minister; or
- (c) has a deficiency in any personal equipment that is in his care or custody for which he can give no satisfactory explanation; or
- (d) is the occupant of a married quarter in which damage to or loss of public property or any other property under the control of the Minister occurs as a result of the negligence or misconduct of his dependents or guests;

shall be liable to reimburse the Crown for the financial loss incurred.

(M) *Regulation 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000* (5 Jan 55)

38.02—LIABILITY FOR NON-PUBLIC PROPERTY

Every officer and man who wilfully or negligently causes, permits, or contributes to, the loss, deficiency, theft, destruction, deterioration, or improper expenditure of any non-public property shall be liable to make restitution or reimbursement to the institute concerned of the financial loss incurred.

(M)

38.03—ADMINISTRATIVE DEDUCTIONS

(1) The provisions of this article shall not apply to reimbursement of the Crown for moneys paid to a member of the public arising out of a claim against the Crown alleged to result from the negligence of any officer or man acting within the scope of his duties or employment. *(See Appendix IV.)*

(2) Any occurrence described in article 38.01 or 38.02 shall be investigated and, where it is considered warranted, an administrative deduction from the pay and allowances of the officer or man concerned, in an amount sufficient to make reimbursement in full or in part, may, subject to (3), (4), and (5) of this article, be ordered by: *(10 May 56)*

- (a) the Chief of the General Staff; or
- (b) except when a loss of or deficiency in public funds is involved
 - (i) the officer commanding the command, or
 - (ii) the commanding officer.

(3) An administrative deduction ordered under (2) of this article may be increased, reduced, or cancelled by the Chief of the General Staff.

(4) Except as provided in (7) of this article, before any administrative deduction is ordered under (2) of this article, or increased under (3) of this article, the officer or man concerned shall be given the opportunity to object on the ground that the proposed deduction is unwarranted or excessive.

38.03—ADMINISTRATIVE DEDUCTIONS (Cont'd)

- (5) No administrative deduction shall be ordered by the commanding officer when:
- (a) the amount of the proposed deduction exceeds one month's pay and allowances of the officer or man concerned; or
 - (b) the officer or man concerned objects on the ground that the proposed deduction is unwarranted or excessive.
- (6) When, under (5) of this article, a commanding officer is precluded from ordering an administrative deduction he shall report the matter to the officer commanding the command and forward with his report:
- (a) all available evidence relating to the occurrence including minutes of the proceedings of any board of inquiry or other investigation; and
 - (b) any statement that the officer or man concerned may wish to make.
- (7) When he considers it warranted, an authority mentioned in (2) of this article may, subject to the limitation prescribed in that paragraph:
- (a) order an administrative deduction from the pay and allowances of
 - (i) an officer or man of the Canadian Army (Regular) who has been struck off strength as an illegal absentee, and
 - (ii) an officer or man of the Reserves who, without authority, remains absent from his unit for a period in excess of three months; and
 - (b) direct that the pay account of a person who has been released be debited in an amount sufficient to make reimbursement in whole or in part in respect of an occurrence described in article 38.01 or 38.02 that took place prior to his release.
- (8) The rate of recovery of an administrative deduction is determined by the commanding officer. (*See article 208.41—"Liquidation of Deductions".*)
- (9) Any administrative deduction ordered under this article shall not prejudice disciplinary action against the officer or man concerned.

(G)

(15 Dec 53)

(38.04: NOT ALLOCATED)**38.05—ADMINISTRATIVE DEDUCTIONS FOR BARRACK DAMAGES**

- (1) Every officer or man who is a member of a group occupying a cubicle, room, hut, tent, building or work in which damage to works and buildings or damage to or loss of barrack stores occurs as the result of negligence or misconduct, shall be liable to reimburse the Crown for the financial loss incurred.
- (2) The commanding officer shall investigate any occurrence described in (1) of this article and, if he is unable to ascertain the individual or individuals responsible and considers an administrative deduction warranted may, in accordance with orders issued by the Chief of the General Staff, order a deduction in an amount sufficient to make reimbursement in whole or in part from the pay and allowances of every officer and man in the group on a pro rata basis.
- (3) An administrative deduction ordered under (2) of this article may be decreased or cancelled by the Chief of the General Staff or the officer commanding the command.

(G)

(7 Jan 54)

(38.06 TO 38.99 INCLUSIVE: NOT ALLOCATED)

APPENDIX II

OFFICIAL SECRETS ACT

SHORT TITLE.

1. This Act may be cited as the *Official Secrets Act*. 1939, c. 49, s. 1. Short title.

INTERPRETATION.

2. In this Act, Definitions.
- (a) "Attorney General" means the Attorney General of Canada; "Attorney General."
- (b) "document" includes part of a document; "Document."
- (c) "model" includes design, pattern and specimen; "Model."
- (d) "munitions of war" means arms, ammunition, implements or munitions of war, army, naval or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof; "Munitions of war."
- (e) "offence under this Act" includes any act, omission, or other thing that is punishable hereunder; "Offence under this Act."
- (f) "office under Her Majesty" includes any office or employment in or under any department or branch of the Government of Canada or of any province, and any office or employment in, on or under any board, commission, corporation or other body that is an agent of Her Majesty in right of Canada or any province; "Office under Her Majesty."
- (g) "prohibited place" means "Prohibited place."
- (i) any work of defence belonging to or occupied or used by or on behalf of Her Majesty including arsenals, naval, army or air force establishments or stations, factories, dockyards, mines, mine-fields, camps, ships, aircraft, telegraph, telephone, wireless or signals stations or offices, and places used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war,
- (ii) any place not belonging to Her Majesty where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of, Her Majesty, or otherwise on behalf of Her Majesty, and
- (iii) any place that is for the time being declared by order of the Governor in Council to be a prohibited place on the ground that information with respect thereto or damage thereto would be useful to a foreign power;
- (h) "sketch" includes any mode of representing any place or thing; "Sketch."
- (i) "senior police officer" means any officer of the Royal Canadian Mounted Police not below the rank of Inspector; any officer of any provincial police force of a like or superior rank; the chief constable of any city or town with a population of not less than ten

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thousand; or any person upon whom the powers of a senior police officer are for the purposes of this Act conferred by the Governor in Council;

Reference
to Her
Majesty.

Communi-
cating or
receiving.

(j) any reference to Her Majesty means Her Majesty in right of Canada or of any province; and

(k) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document or information itself or the substance, effect, or description thereof only is communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document. 1939, c. 49, s. 2; 1950, c. 46, s. 1.

Spying.

3. (1) Every person who, for any purpose prejudicial to the safety or interests of the State,

(a) approaches, inspects, passes over, or is in the neighbourhood of, or enters any prohibited place;

(b) makes any sketch, plan, model or note that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power; or

(c) obtains, collects, records, or publishes, or communicates to any other person any secret official code word, or pass word, or any sketch, plan, model, article, or note, or other document or information that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power;

is guilty of an offence under this Act.

Accused
person may
be convicted
if purpose
prejudicial
to the safety
of the State.

(2) On a prosecution under this section, it is not necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document or information relating to or used in any prohibited place, or anything in such a place, or any secret official code word or pass word is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved.

Communi-
cation with
agent of
foreign
power, etc.,
sufficient
evidence.

(3) In any proceedings against a person for an offence under this section, the fact that he has been in communication with, or attempted to communicate with, an agent of a foreign power, whether within or without Canada, is evidence that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain informa-

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tion that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power.

(4) For the purpose of this section, but without prejudice to the generality of the foregoing provision

When person deemed to have been in communication with agent of a foreign power.

(a) a person shall, unless he proves the contrary, be deemed to have been in communication with an agent of a foreign power if

(i) he has, either within or without Canada, visited the address of an agent of a foreign power or consorted or associated with such agent, or

(ii) either within or without Canada, the name or address of, or any other information regarding such an agent has been found in his possession, or has been supplied by him to any other person, or has been obtained by him from any other person;

(b) "an agent of a foreign power" includes any person who is or has been or is reasonably suspected of being or having been employed by a foreign power either directly or indirectly for the purpose of committing an act, either within or without Canada, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without Canada, committed, or attempted to commit, such an act in the interests of a foreign power; and

"An agent of a foreign power" defined.

(c) any address, whether within or without Canada, reasonably suspected of being an address used for the receipt of communications intended for an agent of a foreign power, or any address at which such an agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, shall be deemed to be the address of an agent of a foreign power, and communications addressed to such an address to be communications with such an agent. 1939, c. 49, s. 3.

When address deemed that of an agent of a foreign power.

4. (1) Every person who, having in his possession or control any secret official code word, or pass word, or any sketch, plan, model, article, note, document or information that relates to or is used in a prohibited place or anything in such a place, or that has been made or obtained in contravention of this Act, or that has been entrusted in confidence to him by any person holding office under Her Majesty, or that he has obtained or to which he has had access while subject to the Code of Service Discipline within the meaning of the *National Defence Act* or owing to his position as a person who holds or has held office under Her Majesty, or as a person who holds or has held a contract made on behalf of Her Majesty, or a contract the performance of which in whole or in part is carried out in a prohibited place, or as a person who is or has been employed under a person who holds or has held such an office or contract,

Wrongful communication, etc., of information.

(a) communicates the code word, pass word, sketch, plan, model, article, note, document or information to any person, other than a person to whom he is authorized to communicate with, or a person to whom it is in the interest of the State his duty to communicate it;

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- (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State;
- (c) retains the sketch, plan, model, article, note, or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or
- (d) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, secret official code word or pass word or information;

is guilty of an offence under this Act.

Communi-
cation of
sketch, plan,
model, etc.

(2) Every person who, having in his possession or control any sketch, plan, model, article, note, document or information that relates to munitions of war, communicates it directly or indirectly to any foreign power, or in any other manner prejudicial to the safety or interests of the State, is guilty of an offence under this Act.

Receiving
code word,
sketch, etc.

(3) Every person who receives any secret official code word, or pass word, or sketch, plan, model, article, note, document or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the code word, pass word, sketch, plan, model, article, note, document or information is communicated to him in contravention of this Act, is guilty of an offence under this Act, unless he proves that the communication to him of the code word, pass word, sketch, plan, model, article, note, document or information was contrary to his desire.

(4) Every person who

Retaining
other
official
document,
etc.

(a) retains for any purpose prejudicial to the safety or interests of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government department or any person authorized by such department with regard to the return or disposal thereof; or

Allowing
other
to have
possession.

(b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable;

is guilty of an offence under this Act. 1939, c. 49, s. 4; 1951 (2nd Sess.), c. 7, s. 28.

Unauthor-
ized use of
uniforms;
falsification
of reports,
forgery,
personation
and false
documents.

5. (1) Every person who, for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place, or for any other purpose prejudicial to the safety or interests of the State,

(a) uses or wears, without lawful authority, any naval, army, air force, police or other official uniform or any uniform so nearly resembling

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the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform;

- (b) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission;
- (c) forges, alters, or tampers with any passport or any naval, army, air force, police or official pass, permit, certificate, licence or other document of a similar character, (hereinafter in this section referred to as an official document), or uses or has in his possession any such forged, altered, or irregular official document;
- (d) personates, or falsely represents himself to be a person holding, or in the employment of a person holding, office under Her Majesty, or to be or not to be a person to whom an official document or secret official code word or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code word or pass word, whether for himself or any other person, knowingly makes any false statement; or
- (e) uses, or has in his possession or under his control, without the authority of the Government department or the authority concerned, any die, seal, or stamp of or belonging to, or used, made, or provided by any Government department, or by any diplomatic, naval, army, or air force authority appointed by or acting under the authority of Her Majesty, or any die, seal or stamp, so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or uses, or has in his possession, or under his control, any such counterfeited die, seal or stamp;

is guilty of an offence under this Act.

(2) Every person who, without lawful authority or excuse, manufactures or sells, or has in his possession for sale any such die, seal or stamp as aforesaid, is guilty of an offence under this Act. 1939, c. 49, s. 5.

Unlawful dealing with dies, seals, etc.

6. No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede any constable or police officer, or any member of Her Majesty's forces engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place, and every person who acts in contravention of, or fails to comply with, this provision, is guilty of an offence under this Act. 1939, c. 49, s. 6.

Interfering with officers of the police or members of Her Majesty's forces.

7. (1) Where it appears to the Minister of Justice that such a course is expedient in the public interest, he may, by warrant under his hand, require any person who owns or controls any telegraphic cable or wire, or any apparatus for wireless telegraphy, used for the sending or receipt of telegrams to or from any place out of Canada, to produce to him, or to any person named in the warrant, the originals and transcripts, either of all telegrams, or of telegrams of any specified class or description, or of telegrams sent from or addressed to any specified person or place,

Power to require the production of telegrams.

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sent to or received from any place out of Canada by means of any such cable, wire, or apparatus and all other papers relating to any such telegram as aforesaid.

Refusing or neglecting to produce original, etc.
Penalty.

(2) Every person who, on being required to produce any such original or transcript or paper as aforesaid, refuses or neglects to do so is guilty of an offence under this Act, and is for each offence, liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding two hundred dollars, or to both such imprisonment and fine. 1939, c. 49, s. 7.

Harbouring spies.

8. Every person who knowingly harbours any person whom he knows, or has reasonable grounds for supposing, to be a person who is about to commit or who has committed an offence under this Act, or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, and every person who, having harboured any such person, or permitted to meet or assemble in any premises in his occupation or under his control any such persons, wilfully omits or refuses to disclose to a senior police officer any information that it is in his power to give in relation to any such person, is guilty of an offence under this Act. 1939, c. 49, s. 8.

Attempts, incitements, etc.

9. Every person who attempts to commit any offence under this Act, or solicits or incites or endeavours to persuade another person to commit an offence, or aids or abets and does any act preparatory to the commission of an offence under this Act, is guilty of an offence under this Act and is liable to the same punishment, and to be proceeded against in the same manner, as if he had committed the offence. 1939, c. 49, s. 9.

Power to arrest without warrant.

10. Every person who is found committing an offence under this Act, or who is reasonably suspected of having committed, or having attempted to commit, or being about to commit, such an offence, may be arrested without a warrant and detained by any constable or police officer. 1939, c. 49, s. 10.

Search warrants.

11. (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search warrant authorizing any constable named therein, to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note or document, or anything that is evidence of an offence under this Act having been or being about to be committed, that he may find on the premises or place or on any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.

In case of great emergency.

(2) When it appears to an officer of the Royal Canadian Mounted Police not below the rank of Superintendent that the case is one of great emergency and that in the interest of the State immediate action is

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necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under this section. 1939, c. 49, s. 11.

12. A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney General; except that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained. 1939, c. 49, s. 12.

Prosecution only with consent of Attorney General.

13. An Act, omission or thing that would, by reason of this Act, be punishable as an offence if committed in Canada, is, if committed outside Canada, an offence against this Act, triable and punishable in Canada, in the following cases:

Offences committed outside Canada triable in Canada.

- (a) where the offender at the time of the commission was a Canadian citizen within the meaning of the *Canadian Citizenship Act*; or
- (b) where any code word, pass word, sketch, plan, model, article, note, document, information or other thing whatsoever in respect of which an offender is charged was obtained by him, or depends upon information that he obtained, while owing allegiance to Her Majesty. 1950, c. 46, s. 2.

14. (1) For the purposes of the trial of a person for an offence under this Act, the offence shall be deemed to have been committed either at the place in which the same actually was committed, or at any place in Canada in which the offender may be found.

Where offence deemed to have been committed.

(2) In addition and without prejudice to any powers that a court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a court against any person for an offence under this Act or the proceedings on appeal, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the interest of the State, that all or any portion of the public shall be excluded during any part of the hearing, the court may make an order to that effect, but the passing of sentence shall in any case take place in public.

Public may be excluded from trial.

(3) Where the person guilty of an offence under this Act is a company or corporation, every director and officer of the company or corporation is guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent. 1939, c. 49, s. 13.

Where guilty person a company or corporation.

15. (1) Where no specific penalty is provided in this Act, any person who is guilty of an offence under this Act shall be deemed to be guilty of an indictable offence and is, on conviction, punishable by imprisonment for a term not exceeding fourteen years; but such person may, at the

Penalties.

General Indictable offence.

Official Secrets Act

Summary
conviction.

election of the Attorney General, be prosecuted summarily in the manner provided by the provisions of the *Criminal Code* relating to summary convictions, and, if so prosecuted, is punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding twelve months, or by both fine and imprisonment.

Application
of the
*Identifi-
cation of
Criminals
Act*.

(2) Any person charged with or convicted for an offence under this Act shall, for the purposes of the *Identification of Criminals Act*, be deemed to be charged with or convicted of an indictable offence notwithstanding that such person is prosecuted summarily in the manner provided by the provisions of the *Criminal Code* relating to summary convictions. 1950, c. 46, s. 3.

APPENDIX IV

NATIONAL DEFENCE CLAIMS ORDER, 1952

(Order in Council PC 12/4544 of 21 Nov 52 as amended by PC 1954—15/1458 of 30 Sep 54 and PC 1957-3/992 of 25 Jul 57)

1. This Order may be cited as *The National Defence Claims Order, 1952*.

2. (1) In this Order,

- (a) “Crown” means Her Majesty the Queen in right of Canada;
- (b) “Department” means the Department of National Defence;
- (c) “Minister” means the Minister of National Defence;
- (d) “negligence of a minor character” means negligence that does not involve recklessness, undue carelessness or intentional commission of a wrongful act or an intentional omission to perform a legal duty;
- (e) “officer or servant” means a member of the naval, army or air forces of Canada or an employee of the Department or an employee of the Defence Research Board; and
- (f) “regulations” means regulations made under *The National Defence Act*.

(2) Unless the context otherwise requires, other words and phrases in this Order have the same meaning as in *The National Defence Act*.

3. (1) This Order applies to

- (a) every claim against the Crown that arises out of any death or injury to the person or property alleged to result from
 - (i) the negligence of an officer or servant while acting within the scope of his duties or employment,
 - (ii) the flight, including the taking off or landing, of an aircraft operated by or under the control of the Department, or the falling of an article or person from such aircraft,
 - (iii) the firing, detonation, testing, proving or use, by or under the direction of an officer or servant, of weapons, arms, armament, ammunition, explosive missiles, including any concussion, blast or other harmful effect caused thereby, or
 - (iv) the execution of military manoeuvres or exercises on the property of a person or government by officers or servants who are engaged in such manoeuvres or exercises, on duty and acting within the scope of their duties and employment; and
- (b) every claim that the Crown may, by reason of an accident alleged to result from circumstances involving negligence on the part of an officer or servant or any other person, have in respect of the death of or injury to any officer or servant or the loss of or injury or damages to public property under the control or administration of the Department or the Defence Research Board.

(2) Notwithstanding anything in this Order, a representative of the Judge Advocate General may pay a claim against the Crown referred to in subparagraph (iv) of paragraph (a) of subsection (1), if

- (a) the amount of the claim does not exceed twenty-five dollars, and
- (b) in the opinion of the representative
 - (i) the injury or damage complained of was not contributed to by the negligence of the claimant or of a servant of the claimant acting within the scope of his duties or employment, and
 - (ii) the amount claimed is not excessive. (30 Sep 54)

4. (1) Where circumstances have arisen resulting in

- (a) the death of or injury to an officer or servant;
- (b) loss of or injury or damage to public property under the control or administration of the Department or the Defence Research Board;
- (c) the receipt of a claim against the Crown or of a notice of intention to claim; or
- (d) the possibility of a claim under section three, the officer in command or in charge of the unit, station or defence establishment concerned shall, unless he is otherwise directed by a higher authority, appoint a board of inquiry in accordance with the regulations and shall cause such board to institute an immediate investigation.

(2) The investigation shall be made in such manner as the Judge Advocate General may, by general or specific instructions, direct and may be carried on conjointly with any investigation required by the regulations.

(3) Where the officer commanding the command concerned either upon a request for such assistance from a board of inquiry or otherwise, is of opinion that it is desirable to obtain the services of the Royal Canadian Mounted Police to assist a board of inquiry in carrying out an investigation, he may request such assistance.

5. (1) Claims shall be dealt with under this Order according to the amount of damages involved in each case and for that purpose "amount of damages" means

- (a) with respect to claims against the Crown, the lowest aggregate amount that all known claimants will accept in full settlement of their alleged claims;
- (b) with respect to claims by the Crown, the aggregate amount of actual damages suffered by the Crown or, when actual damages cannot be ascertained within a reasonable time, the aggregate amount of the Crown's estimated damages; and
- (c) where the circumstances involve both claims against and by the Crown, the amount described in paragraph (a) or (b), whichever is the greater.

(2) An opinion on the matters set out in section six shall be obtained

- (a) from an Assistant Judge Advocate General by the officer commanding the command concerned, if the amount of damages involved does not exceed one thousand dollars and does not include more than two hundred dollars as general damages, and the officer or servant involved is not an employee of the Defence Research Board;
- (b) from the Judge Advocate General by the Minister,
 - (i) if the amount of damages involved exceeds one thousand dollars but does not exceed three thousand dollars and does not include more than one thousand dollars as general damages, and the officer or servant involved is not an employee of the Defence Research Board,
 - (ii) if the amount of damages involved does not exceed three thousand dollars and does not include more than one thousand dollars as general damages, and the officer or servant involved is an employee of the Defence Research Board, or
 - (iii) if the amount of damages involved does not exceed one thousand dollars but includes more than two hundred dollars as general damages, and the officer or servant involved is not an employee of the Defence Research Board;
- (c) from the Deputy Attorney General of Canada by the Minister
 - (i) if the amount of damages involved exceeds three thousand dollars, or
 - (ii) if the amount of damages involved is three thousand dollars or less and includes general damages of more than one thousand dollars. (25 Jul 57)

6. (1) An opinion shall be obtained

- (a) in respect of claims against the Crown referred to in subparagraph
 - (i) of paragraph (a) of section three,
 - (i) as to whether or not there is any legal liability on the part of the Crown,
 - (ii) as to whether, if the Crown is liable, the claim should be paid in full or an endeavour made to effect a compromise,
 - (iii) as to whether, if the Crown is liable, the officer or servant involved is legally liable to reimburse the Crown in respect of the liability, and
 - (iv) as to whether, if the officer or servant involved is legally liable to reimburse the Crown in respect of the liability, the negligence of the officer or servant was of a minor character;
- (b) in respect of claims against the Crown referred to in subparagraph
 - (ii), (iii) or (iv) of paragraph (a) of section three,
 - (i) as to whether or not the claim arose out of an occurrence described in the said subparagraph,
 - (ii) as to whether, if the opinion respecting subparagraph (i) is in the affirmative, the death or injury complained of was contributed to by the negligence of the claimant or of a servant of the claimant acting within the scope of his duties or employment, and

- (iii) as to whether, if the opinion respecting subparagraph (ii) is in the negative, the damages claimed, or any part of them appear to be excessive;
- (c) in respect of claims by the Crown referred to in paragraph (b) of section three,
 - (i) as to whether or not there is a legal claim by the Crown,
 - (ii) as to whether, if the legal claim by the Crown is against an officer or servant, his negligence was of a minor character, and
 - (iii) as to whether, if the legal claim by the Crown is against a person other than an officer or servant, the Crown is legally entitled to recover in full the damages suffered by it, and, if not, the amount of the claim to which the Crown is legally entitled, having regard to the damages claimed and apportionment of fault, if any, on the part of an officer or servant.

(2) Where a claim against the Crown referred to in subparagraph (i) of paragraph (a) of section three has been paid after judgment of a court or otherwise and no opinion has been previously expressed respecting the legal liability of the officer or servant to reimburse the Crown and respecting whether or not his negligence was of a minor character, an opinion shall be obtained on those matters.

7. (1) Where the opinion given is that the Crown is not legally liable with respect to a claim, the Department shall advise the claimant that the Crown denies all liability with respect to such claim and, if the claimant continues to insist upon payment of his claim, the matter shall be referred to the Deputy Attorney General of Canada for his advice.

(2) Where the opinion given is that the Crown is legally liable with respect to a claim referred to in subparagraph (1) of paragraph (a) of section three and that the claim should be paid in full, payment may be made

- (a) where the opinion is given by an Assistant Judge Advocate General, by a command treasury officer on the authority of the officer commanding the command concerned;
- (b) where the opinion is given by the Judge Advocate General, by the Chief Treasury Officer of the Department on the authority of the Minister; or
- (c) where the opinion is given by the Deputy Attorney General of Canada, by the Chief Treasury Officer of the Department on the authority of the Minister if the amount of damages does not exceed five thousand dollars and on the authority of the Treasury Board if the amount of damages exceeds five thousand dollars. (25 Jul 57)

(3) Where the opinion given with respect to a claim referred to in subparagraph (ii), (iii) or (iv) of paragraph (a) of section three is that it arose out of an occurrence described in such paragraph, that it was not contributed to by the negligence of the claimant or his servant and that

the damages claimed or any part of them do not appear to be excessive, payment may be made for such damages as are not excessive in the same manner as payment of a claim under subsection two.

(4) Where the opinion given is that an endeavour should be made to effect a compromise settlement of a claim against the Crown and a settlement, not exceeding the amount of claim for which the Crown is legally liable and approved by the person who gave the opinion, is reached, payment may be made in the same manner as payment of a claim under subsection two.

(5) The Chief Treasury Officer of the Department may, on the authority of the Minister, make an interim payment not exceeding fifty per cent of the actual damages then ascertained or the sum of one thousand dollars, whichever is the lesser, respecting a claim where

- (a) the opinion obtained under paragraph (b) or (c) of subsection two of section five is that the Crown is legally liable for the actual damages sustained by the claimant; and
- (b) the claimant is, in the opinion of the Minister, suffering hardship by reason of the fact that he will not receive full payment of his claim until such time as it is fully ascertained;

but, an interim payment shall only be paid without prejudice and upon obtaining an appropriate release from the claimant.

8. (1) Where the opinion given is that the Crown has a legal claim against a person other than an officer or servant of the Crown, the person to whom the opinion is given shall cause a demand for payment to be made in an amount that is not less than the amount to which the Crown is legally entitled.

(2) Where payment is not made within a reasonable time, the person to whom the opinion was given shall refer the matter to the Judge Advocate General for further action.

9. (1) Subject to subsection two, where the opinion given is that any officer or servant of the Crown is legally liable to reimburse the Crown in respect of a claim against the Crown referred to in subparagraph (i) of paragraph (a) of section three and that his negligence was not of a minor character, a demand shall be made upon such officer or servant to the following extent, namely,

- (a) where the amount involved is twenty-five dollars or less, the full amount;
- (b) where the amount involved is more than twenty-five dollars and not more than one hundred dollars, one-half of the amount or twenty-five dollars whichever is the greater;
- (c) where the amount involved is more than one hundred dollars and not more than three hundred dollars, one-third of the amount or fifty dollars whichever is the greater;

- (d) where the amount involved is more than three hundred dollars and not more than five hundred dollars, one-quarter of the amount or one hundred dollars whichever is the greater; and
- (e) where the amount involved is more than five hundred dollars, one-fifth of the amount or one hundred and twenty-five dollars whichever is the greater, subject to the limitation that where the liability of the officer or servant arises out of his negligence in operating a motor vehicle the total amount demanded from him under this section and under section ten, in respect of the accident that gives rise to the liability, shall not exceed two hundred and fifty dollars.

(2) The Treasury Board may order in any particular case that an amount less than the amount prescribed for that case in subsection one be demanded in payment from the officer or servant.

10. (1) Where the opinion given is that the Crown has a claim against an officer or servant, other than a member of the naval, army or air forces of Canada, for damages resulting from the death of or injury to an officer or servant or the loss of or injury or damage to public property under the control or administration of the Department or the Defence Research Board, that the claim arises by reason of an accident involving negligence on the part of the officer or servant and that his negligence was not of a minor character, a demand shall be made on such officer or servant in the ratio and to the extent, having regard to the amount involved, as prescribed in subsection one of section nine respecting reimbursement of the Crown.

(2) The Treasury Board may order in any particular case that an amount less than the amount prescribed for that case in subsection one be demanded in payment from the officer or servant.

11. A demand, under this Order, on an officer or servant shall be made and enforced as follows:

- (a) a written demand for payment shall be sent to the officer or servant, including a statement of the reasons why his negligence is not considered to be of a minor character;
- (b) where, in the case of an officer or servant who is not a member of the naval, army or air forces of Canada, he fails to arrange for payment within a reasonable time the matter shall, unless otherwise ordered by the Treasury Board, be referred to the Deputy Attorney General of Canada for advice as to what steps should be taken to enforce payment;
- (c) where the demand is made on an officer or servant who is a member of the naval, army or air forces of Canada, the demand shall require him to show cause, within seven days after he receives it, why a deduction from his pay, allowances or other emoluments, for the purpose of reimbursing the Crown in the amount demanded, should not be made;

(d) where an officer or servant referred to in paragraph (c) has not shown cause within the required time or, having shown cause, the reasons advanced by him are not considered sufficient by the Minister upon further investigation or otherwise, the Minister may make such order as he deems just for deduction from all or any part of the pay, allowances or other emoluments granted to or in respect of the officer or servant concerned, for the purpose of paying the amount demanded; and

(e) where an officer or servant to whom a demand for payment is sent requiring him to show cause has ceased to be a member of the naval, army or air forces of Canada, the matter shall, unless otherwise ordered by the Treasury Board, be referred to the Deputy Attorney General of Canada for his advice as to what steps should be taken to enforce payment.

12. Orders in Council P.C. 42/1880, dated May 14, 1947, P.C. 43/1880, dated May 14, 1947, P.C. 107/3040, dated August 1, 1947, P.C. 254½/2727, dated May 28, 1949, P.C. 37/2188, dated April 29, 1950, P.C. 67/215, dated January 13, 1951, and P.C. 77/2333, dated May 11, 1951, are revoked.

13. Orders in Council P.C. 80/1045, dated March 19, 1940 and P.C. 20/3570, dated September 3, 1947, do not apply to a claim dealt with by this Order.

14. This Order shall come into force on the fifteenth day of November, 1952.

APPENDIX V

ORDER IN COUNCIL RELATING TO JOINT COURTS OF INQUIRY

P.C. 100

AT THE GOVERNMENT HOUSE AT OTTAWA,
THURSDAY, THE 9TH DAY OF JANUARY, 1947.

PRESENT:

His EXCELLENCY

THE GOVERNOR IN COUNCIL:

WHEREAS the Minister of National Defence reports that the Royal Canadian Air Force has undertaken certain flying commitments with the Royal Canadian Navy and will probably be required to do likewise with the Canadian Army;

That at the present time the regulations of all Services require investigations into accidents causing casualties or damage to property;

That there are, however, no provisions for joint investigations where personnel or property of more than one Service are involved;

That because of the expected close co-operation between the Services it is considered necessary to provide for inter-Service investigations into flying accidents where property or personnel of more than one Service are involved, in order to avoid duplication of investigation and possible anomalies in their results;

That no over-all increase in expenditure will result, although the conclusion of a joint inquiry may lead to a different allocation of the loss from any one accident as between the Navy, Army and Air Force, than might occur under present regulations;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under the authority of the Militia Act, the Naval Service Act, 1944, and the Royal Canadian Air Force Act, is pleased to order and doth hereby order as follows:

- (a) Joint courts of inquiry composed of officers of the Naval Forces of Canada, the Canadian Army, and the Royal Canadian Air Force, or from any combination of them, may be appointed to investigate flying accidents or breaches of flying orders involving personnel or property of more than one Service. Any such court shall make findings and recommendations on all matters with which a court of inquiry, board of officers, or investigating officer of any of the Services concerned would normally have dealt.
- (b) Any court appointed under the authority of this Order to investigate a specific accident or breach of flying orders shall be deemed to fulfil the requirements of the regulations of the Services participating with regard to investigation into that particular accident or breach of flying orders.
- (c) Notwithstanding the regulations of any of the Services involved, the constitution and procedure of joint courts of inquiry shall be governed by the following regulations:

1. *Assembly and Appointment* — A joint court of inquiry composed of officers of the Naval Forces of Canada, the Canadian Army, and the Royal Canadian Air Force, or any combination of them, shall be appointed to investigate a flying accident or breach of flying orders involving personnel or property of more than one Service, unless such accident or breach is of a trivial nature.

2. *Assembling Authority* — The senior officer of the Service to which the captain of the aircraft belongs, in charge of the area where the accident occurs, shall state the terms of reference and appoint the president and, if considered advisable, a junior member of the court, and request the corresponding officer of the other Service or Services to appoint one member each, all of which appointments shall be made promptly; but where aircraft of more than one Service are involved, that Service to which the senior of the captains of aircraft belongs shall initiate the proceedings as above.

3. *Technical Cases* — Where the investigation may involve technical or professional knowledge or skill, the officer initiating the proceedings (hereafter referred to as the "assembling authority") shall ensure that one member of the court has the appropriate qualifications.

4. *Reputation of Officer Affected* — Where the reputation of an officer may be affected, or he might be shown to have been in any way at fault, the president shall not be junior in rank to that officer.

5. *Investigation of Several Matters* — Where several matters for each of which a court of inquiry would normally have to be appointed arise out of the same occurrence, the assembling authority should assemble one joint court to investigate and report on all these matters, or he may, if the circumstances warrant, assemble two or more joint courts.

6. *Terms of Reference* — The assembling authority shall provide the court with written terms of reference stating briefly the matters to be investigated and what matters are to be covered in the findings or recommendations.

7. *Duty to Obtain Evidence* — (1) The president of the court shall so far as practicable before the first sitting ascertain the names of any material witnesses and arrange for their appearance before the court.

(2) The court shall investigate the circumstances to a finality by hearing and cross-questioning the witnesses, obtaining evidence from any other witnesses who may be suggested as the investigation develops, visiting if advisable the scene of the occurrence, and obtaining any data or material that may throw light on the subject of investigation.

(3) Relevant documents shall be identified by a witness wherever practicable and attached as exhibits to the original proceedings, and photographic copies or, if that is impracticable, certified true copies of each exhibit shall be attached to each copy of the proceedings.

8. *Time and Place of Assembly* — (1) Unless the assembling authority otherwise directs, the president shall fix the time and place for the court to assemble, and give notice of the time and place to all members of the court, witnesses, and other persons interested.

(2) The court may be re-assembled by the president as often as necessary to examine further the witnesses, or examine additional witnesses or things, or to make any additional findings or recommendations.

9. *Closed Court* — The public shall be excluded from the court and, subject to paragraph 16, witnesses shall only be allowed in the court while actually giving their evidence.

10. *Swearing Witnesses* — (1) Unless the assembling authority otherwise directs, the evidence shall not be taken on oath, but where the evidence at any stage appears likely to affect the reputation of a member of the Forces, or to show him to have been in any way at fault in connection with any of the matters being investigated, that member of the Forces may require that this evidence be given under oath.

(2) Where the evidence is given under oath, the president shall administer the following oath to the witness or if the witness objects to an oath the following solemn declaration:

Oath

"I swear by Almighty God that the evidence which I shall give to this Court shall be the truth, the whole truth, and nothing but the truth."

Solemn Declaration

"I solemnly declare that the evidence which I shall give to this Court shall be the truth, the whole truth, and nothing but the truth."

11. *Civilian Witnesses* — The court may request but cannot compel a civilian witness to attend or make a statement or give evidence. Where a civilian witness declines to attend, the court shall request him to make a written statement and, if he does, include it in the proceedings.

12. *Evidence* — While the court is not bound by technical rules of evidence and may receive any relevant evidence in carrying out the investigation, nevertheless the court should weigh carefully the value and reliability of any testimony and document which would not be admissible in a court of law.

13. *Recording Evidence* — (1) The evidence shall be recorded in narrative form in the first person, except where the court thinks fit to record any particular questions and answers.

(2) A witness shall sign his evidence at the end and at the foot of every page and shall initial any alterations.

14. *Members to Hear All the Evidence* — The president and all members of the court shall hear all the evidence. The findings of the court shall be based on the evidence given and the exhibits and documents produced before the court and any view of any place that may have been taken by the court.

15. *Professional Advisers Not Permitted* — Unless the assembling authority otherwise directs, a professional or other adviser shall not be permitted in court.

16. *Where Reputation Affected or Fault* — (1) Where during the hearing evidence is introduced which appears likely to affect the reputation of a member of the Forces, or to show him to have been in any way at fault in connection with any of the matters being investigated, he shall be afforded every reasonable opportunity to be present from the time this evidence is introduced.

(2) Whenever the member of the Forces is present in court, he shall be afforded an opportunity to cross-examine any witness whose evidence is given in his presence, to produce any witnesses or offer any evidence on his own behalf, and he may answer or refuse to answer any question put to him. The president shall explain his rights to him when he first appears in court.

(3) Where the member of the Forces is unable to be present during the whole or any part of the hearings, the court shall inform him of any evidence introduced during his absence insofar as it affects his reputation or shows him to have been in any way at fault. The court shall accept any written statement in denial, exculpation, explanation, or otherwise, which he tenders, and shall attach it to the proceedings.

17. *Admission of Liability* — Neither the court nor any member of it shall make any admission of liability or give any undertaking that might prejudice or affect any right of the Crown.

18. *Claim Against the Crown* — (1) Where it appears to the court that civilian persons or property have been damaged through the act or omission of a member of the Forces or servant of the Crown, the court shall ask the civilian concerned whether or not he intends to make a claim against the Crown and, if he does so intend, request him to submit an itemized statement. The Court shall inform him at the same time that this request is entirely without prejudice and is not to be considered as an admission of liability on the part of the Crown.

(2) The court shall investigate the alleged damage, obtaining as far as practicable the evidence of independent witnesses, and shall certify in their findings whether or not the claim is considered fair and reasonable.

(3) Where the claim is not certified as fair and reasonable, the court shall state in the findings:

- (a) in what respect the claim is considered excessive, and
- (b) what amount is considered fair and reasonable.

(4) The court shall make a specific finding as to whether the member of the Forces or servant of the Crown mentioned in (1) of this paragraph was or was not on duty at the time.

19. Findings — (1) The court shall make findings and recommendations on all matters required by the terms of reference and, where applicable, by paragraph 18, and shall in any case make findings as to:

- (a) where an accident is being investigated, its causes;
- (b) whether or not local flying and aircraft maintenance orders were complied with;
- (c) if a member of the Forces was killed or injured, whether or not he was on duty at the time, and whether or not he was to blame, and, if to blame, in what way and to what degree;
- (d) the amount of the damage, if any, and whether anyone was to blame for it and, if to blame, in what way and to what degree; and
- (e) any other matter with which a court of inquiry, board of officers, or investigating officer of any of the Services concerned would normally have dealt.

(2) Where it appears that a claim by the Crown might be made against anyone, the court shall, if the necessary information is immediately available, make the following additional findings:

- (a) where a member of the Forces has been injured, the total cost of his medical treatment, including hospital costs, and the total amount of his pay and allowances, including any dependents' or married allowances, credited to him during his absence from duty as a result of the injury, and
- (b) where public property has been lost or damaged, full particulars of the loss sustained by the Crown.

(3) The findings and recommendations shall be signed by the president and all members of the court, except that a member dissenting in whole or part may make dissenting findings or recommendations, which he shall sign.

(4) The president shall initial each page of the proceedings and any alterations and identify each exhibit by his signature.

(5) The president shall send to the assembling authority the original and copies, certified by him as true, as follows:

- (a) if two Services are involved, five copies, or
- (b) if any other Service is involved, three copies for each additional Service.

(6) The assembling authority shall endorse his approval or comments on the original and all copies, and forward two copies to each Service involved. The corresponding officer of the other Service or Services involved shall endorse his approval or comments, and send copies to the other Service or Services. The findings and recommendations shall not be valid until so endorsed.

20. Incidental Matters — The assembling authority shall deal with all matters incidental to the proceedings, including claims by or against the Crown.

21. Privilege — The proceedings of the court are privileged and shall not be produced at a coroner's inquest, but the president of the court may, if so requested, furnish the coroner with a list of witnesses.

22. *Admissibility of Proceedings* — Except upon the trial of a member of the Forces under The Naval Service Act, 1944, the Militia Act, or the Air Force Act, for wilfully giving false evidence before the court, the proceedings of the court or any confession, statement, or answer to a question made or produced at the hearings shall not be admissible in evidence against a member of the Forces, nor shall any evidence respecting the proceedings be given against him.

23. *Persons Entitled to Examine Proceedings* — Where anything in the proceedings of the court affects the reputation of a member of the Forces, or shows him to have been in any way at fault in connection with any of the matters investigated, he shall be entitled to examine a copy of the proceedings at any time.

24. *Allowances for Civilian Witnesses* — (1) Subject to (2) of this paragraph, a civilian witness who attends the court shall be entitled to the following fees and reimbursements:

- (a) a fee of one dollar per day for every day of attendance at the court;
- (b) if he resides more than three miles away from where he is requested to attend, reimbursement for his actual and reasonable travelling expenses at a rate not in excess of ten cents a mile each way, and his actual and reasonable out-of-pocket expenses for meals or accommodation at a rate not in excess of five dollars per day.

(2) The fees and reimbursements prescribed in (1) of this paragraph shall be paid upon the president of the court certifying that the witness was required to and did attend to give evidence and that the claim is in his opinion correct.

(3) The Service to which the assembling authority belongs shall bear the cost of the fees and disbursements mentioned in this paragraph, and payment shall be made promptly in the manner prescribed in appropriate orders of that Service.

(4) Where it appears that a witness may be unwilling or unable to attend without first receiving the fees and expenses prescribed in (1) of this paragraph, the president of the court may authorize the advance of a sum within the limits and for the purpose set out in (1) of this paragraph.

25. *Further Regulations* — The Minister of National Defence, the Minister of National Defence for Naval Services, and the Minister of National Defence for Air may, under their joint authority, make regulations, not inconsistent with this Order or these Regulations, for the proper conduct of joint courts of inquiry.

DEFENCE ESTABLISHMENT TRESPASS REGULATIONS

Order in Council P.C. 1657

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 21st day of March, 1952

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and by virtue of the powers conferred by The National Defence Act, is pleased to make the annexed regulations entitled the "Defence Establishment Trespass Regulations" and they are hereby made and established, accordingly.

(Signed) "N. A. ROBERTSON"

*Clerk of the Privy Council.*DEFENCE ESTABLISHMENT TRESPASS
REGULATIONS

SHORT TITLE.

1. These regulations may be cited as the *Defence Establishment Trespass Regulations*.

INTERPRETATION.

2. In these regulations,

- (a) "defence establishment" means any area or structure under the control of the Minister of National Defence, and the materiel and other things situate in or on any such area or structure;
- (b) "issuing authority" means a person authorized pursuant to these regulations to issue a pass;
- (c) "livestock" includes horses, cattle, sheep, goats, swine, mules, donkeys and poultry;
- (d) "materiel" means all movable public property, other than money, provided for the Canadian Forces or the Defence Research Board or any other purpose under *The National Defence Act*, and includes any vessel, vehicle, aircraft, animal, missile, arms, ammunition, clothing, stores, provisions or equipment so provided;

(2) In the event of any livestock entering, breaking into, straying upon or being driven into or found in or upon a defence establishment, such livestock may be impounded by a security guard in any pound, and the pound-keeper thereof shall detain it in like manner and subject to like regulations as to the care and disposal thereof as in the case of livestock impounded for trespass on private property. *(As amended by PC 4556 of 28 Nov 52)*

13. For the purposes of these regulations an issuing authority may designate any convenient place or structure as a pound and may authorize any person to act as a pound-keeper. *(As amended by PC 4556 of 28 Nov 52)*

14. (1) When livestock is impounded pursuant to these regulations, the officer in command or person in charge of the defence establishment shall, immediately after the impounding thereof, cause to be posted in the nearest post office and in such other public places as he may designate, a notice describing the live-stock impounded, and stating, as regards each animal the age, as near as it is possible to do so, and also the sex, colour and brand or other marks of identification.

(2) A copy of such notice shall be mailed to any person believed to be the owner of such livestock.

15. (1) When impounded livestock is not claimed within ten days after publication of the notice referred to in section 14, the officer in command or person in charge of the defence establishment shall give not less than ten days' notice that he proposes to sell such livestock at public auction.

(2) Copies of such notice of sale shall be posted in the nearest post office and in such other places as may be designated by the officer in command or person in charge of the defence establishment.

16. (1) After the expiration of ten days from the posting of such notice, the impounded livestock may be sold at public auction.

(2) The proceeds of such sale, after deduction therefrom of such sum as is chargeable in respect of fees and costs under section 17, may be paid by the officer in command or person in charge of the defence establishment to the former owner of the livestock, upon such owner furnishing the officer in command or person in charge of the defence establishment with satisfactory evidence establishing that he was the owner of the livestock sold.

(3) Where satisfactory evidence of ownership is not furnished in accordance with subsection (2) within one month of the date of the sale of any livestock, the proceeds of such sale, after deduction of fees and costs chargeable under section 17, shall be remitted to the Receiver General of Canada.

(4) If not claimed by the former owner of the impounded livestock within two years after the date of the sale, any sums so remitted shall form part of the Consolidated Revenue Fund.

17. The following are the fees and charges authorized in respect of impoundment and sale under these regulations:

(a) for the care and maintenance of:

One horse, mule or donkey, per day.....	\$1.00
Each additional horse, mule or donkey, per day.....	.50
One head of cattle, per day.....	.60
Each additional head of cattle, per day....	.30
One pig, sheep or goat, per day.....	.40
Each additional pig, sheep or goat, per day	.20
Poultry, each, per day.....	.10

(b) for each copy of notice published in accordance with section 14..... .25

(c) for each copy of notice of sale published in accordance with section 15..... .25

(d) for selling impounded animals and applying the proceeds as directed by these regulations, a commission of ten percent of the amount realized on the sale;

(e) in addition to the foregoing, the actual costs incurred in capturing, impounding and transporting livestock, in the printing and publishing of notices, and in the conduct of any sale pursuant to these regulations.

18. Notwithstanding the provisions of sections 12 to 17 inclusive, the officer in command or person in charge of a defence establishment may order the destruction of any livestock found within the defence establishment in contravention of these regulations, if such livestock is found to be suffering from an infectious or contagious disease, and the owner of such livestock shall be liable for the costs of such destruction, and such destruction and liability shall be without prejudice to any other proceedings that may be taken.

PART III—MISCELLANEOUS.

19. No person shall break down, injure, weaken or destroy any gate, fence, erection, building or structure in or on a defence establishment.

20. No person shall remove, obliterate, deface or destroy any printed or written sign, notice, direction, order or regulation which is posted, attached or affixed to or upon any fence, post, gate, building, structure, erection or materiel on or forming part of a defence establishment.

21. No person shall cause or participate in any disturbance while in or on a defence establishment.

22. No person shall be in an intoxicated condition in or on a defence establishment.

23. No person shall, without the previous consent of the officer in command or person in charge of any defence establishment, convey or cause to be conveyed intoxicating liquor into, within or from the defence establishment.

24. No person shall, without the permission of the officer in command or person in charge of a defence establishment, attach or affix any thing to or upon any fence, post, gate, building, structure, erection or materiel on or forming part of such defence establishment.

25. No person shall have any claim for injury or damage suffered by him as a result of such person or his property being in or on a defence establishment in contravention of these regulations.

26. (1) An issuing authority, a senior officer in chief command of the Royal Canadian Navy, an officer commanding a command or an area commander of the Canadian Army, or an Air officer commanding or a group commander of the Royal Canadian Air Force, may prohibit any person from

(a) taking, making, publishing or being in possession of any photograph, sketch or plan of a defence establishment; or

(b) bringing any photographic equipment into any defence establishment.

(2) The contravention of any order made under subsection (1) shall be deemed to be a contravention of these regulations.

27. No person shall loiter in the vicinity of a defence establishment, and any person so loitering shall, when required to do so by a security guard, forthwith depart from such vicinity.

28. (1) Every security guard is authorized to arrest without warrant any person found committing any criminal offence or infraction of these regulations on or with respect to any defence establishment or whom on reasonable and probable ground he believes to have committed such offence, or such infraction.

28. (2) Where the use of force is necessary to effect an arrest, a security guard shall use no more force than is necessary in the circumstances.

29. Notwithstanding anything contained in these regulations, the officer in command or person in charge of a defence establishment may in respect of such establishment, in his sole discretion, and from time to time, exempt any person from the application of these regulations, but such exemption shall be in writing and shall be for such period, not exceeding three months, as may be specified therein.

30. The Minister of National Defence may from time to time declare that these regulations, or any part of them, shall not apply to any defence establishment or to any part of any defence establishment.

PART IV—PENALTIES FOR CONTRAVENTION.

31. Every person who contravenes any of these regulations is liable on summary conviction to the penalties provided by section two hundred and thirty (230) of The *National Defence Act*.

GOVERNMENT PROPERTY TRAFFIC REGULATIONS

PART I

(Regulations made by Order in Council P.C. 4076 dated September 17, 1952 pursuant to the Government Property Traffic Act.)

GOVERNMENT PROPERTY TRAFFIC REGULATIONS

SHORT TITLE

1. These regulations may be cited as the Government Property Traffic Regulations.

INTERPRETATION

2. In these regulations

- (a) "Commissioner" means the Commissioner of the Royal Canadian Mounted Police;
- (b) "constable" means
 - (i) a member of the Royal Canadian Mounted Police,
 - (ii) a member of a provincial or municipal police force, and
 - (iii) any person authorized by a Minister or the Commissioner to enforce these regulations;
- (c) "department" means
 - (i) any of the departments named in Schedule A to the *Financial Administration Act*,
 - (ii) any Crown Corporation as defined in paragraph (c) of subsection (1) of section 76 of the *Financial Administration Act*, and
 - (iii) any other division or branch of the public service of Canada;
- (d) "driver" means a person who is driving or is in actual physical control of a vehicle;
- (e) "government property" means property owned or occupied by Her Majesty in right of Canada;
- (f) "highway" includes any highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle designed and intended for, or used for the passage of vehicles;
- (g) "Minister" means
 - (i) with respect to a department mentioned in subparagraph (i) of paragraph (c), the Minister presiding over the department,
 - (ii) with respect to a Crown Corporation, the President or other Chief Executive Officer thereof, and
 - (iii) with respect to any other division or branch of the public service of Canada, the person who under the *Financial Administration Act* is the appropriate Minister;
- (h) "park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading; and
- (i) "vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except a device used exclusively upon stationary rails or tracks.

Government Property Traffic Regulations—(Cont'd)

APPLICATION

3. These regulations apply to government property and the highways thereon except

- (a) the National Parks,
- (aa) the National Battlefields Park,
(PC 1955-219) (17 Feb 55)
- (b) territorial lands as defined in the *Territorial Lands Act*,
- (c) Indian reserves,
- (d) property under the control of the Federal District Commission, and
- (e) property to which the airport Vehicle Control Regulations apply.

4. These regulations do not apply to a member of the Canadian Forces when operating with due authority a vehicle owned by Her Majesty in right of Canada.

REGISTRATION AND PERMITS

5. No person shall operate a vehicle on a highway unless

- (a) he holds all licenses and permits that he is, by the laws of the province and the municipality in which the highway is situated, required to hold in order to operate the vehicle in that province and municipality, and
- (b) the vehicle is registered and equipped as required by the laws of the province and the municipality in which the highway is situated.

COMPLIANCE WITH PROVINCIAL AND MUNICIPAL LAWS

6.(1) No person shall operate a vehicle on a highway otherwise than in accordance with the laws of the province and the municipality in which the highway is situated.

(2) In this section the expression "laws of the province and the municipality" does not include laws that are inconsistent with or repugnant to any of the provisions of the *Government Property Traffic Act* or these regulations.

TRAFFIC SIGNS AND DEVICES

7.(1) The Minister of Public Works, the Minister of any department having the control or management of any government property or the Commissioner may mark or erect or cause to be marked or erected on any government property, traffic signs or devices;

- (a) prescribing rate of speed;
- (b) regulating or prohibiting parking and designating parking areas;
- (c) prescribing load limits for any vehicle or class of vehicles;
- (d) prohibiting or regulating the use of any highway by any vehicle or class of vehicles;
- (e) designating any highway as a one-way highway;
- (f) for stopping vehicles;
- (g) for regulating pedestrian traffic; and
- (h) for directing or controlling in any other manner traffic on government property.

(2) Except as authorized by subsection (1), no person shall mark or erect any traffic sign or device on government property.

Government Property Traffic Regulations—(Cont'd)

(3) No person, other than the Minister of Public Works, the Minister of any department having the control or management of government property or the Commissioner, shall, without the authority of such Minister or the Commissioner, remove or deface any traffic sign or device on such property.

8. Any traffic sign or device on government property bearing the words "Government of Canada" or an abbreviation thereof, or purporting to have been erected by or under the authority of the Minister of Public Works, any other Minister or the Commissioner, shall *prima facie* be deemed to have been erected pursuant to these regulations.

9. The driver of a vehicle on a highway shall obey the instructions of any traffic sign or device applicable to that driver, vehicle or highway.

10. Any traffic sign or device on government property marked or erected prior to the coming into force of these regulations under An Act to provide for the regulation of Vehicular Traffic on Dominion Property or the regulations thereunder or under other lawful authority shall be deemed to have been marked or erected pursuant to these regulations.

TRAFFIC DIRECTION AND CONTROL

11. The driver of a vehicle on a highway shall comply with any traffic directions given to him by a constable.

12. Every person on government property shall produce to a constable upon demand

- (a) any permit issued to him under these regulations,
- (b) any license or permit he holds authorizing him to drive a vehicle, and
- (c) any certificate of registration of a vehicle held by him.

13. Every driver of a vehicle who is directly or indirectly involved in an accident on government property shall report the accident forthwith as required by the laws of the province in which the accident occurred and, if any property of Her Majesty is damaged by the accident, shall forthwith report the accident to a member of the Royal Canadian Mounted Police or the person in charge, control or occupation of the property so damaged.

PARKING

14. No person shall park a vehicle in any area designated by a sign as an area in which parking is prohibited.

15. Where an area is by sign designated as an area where parking is reserved for those holding permits or designated as an area where parking is prohibited except under a permit, no person shall park a vehicle in the area unless

- (a) he holds a permit authorizing him to park in the area,
- (b) there is attached to and exposed on the vehicle the label furnished with the permit, and
- (c) he parks in accordance with the terms of his permit.

16. Where an area is by sign designated as an area where parking is permitted for a period of time, no person shall park a vehicle in the area for any greater period of time than that indicated on the sign.

Government Property Traffic Regulations—(Cont'd)

17. Where an area is by sign designated as an area where parking is reserved for a class of persons, no person shall park in the area unless he is a member of that class.

18. (1) The Commissioner may issue or authorize the issue of permits and labels for the purposes of these regulations.

(2) The Minister of a department or a person authorized by him may at any time revoke a permit issued under these regulations with respect to property under the control or management of that department.

(3) Unless sooner revoked, a permit issued under these regulations is valid for the period stated thereon, and a label furnished with the permit is valid only during the period that the permit is valid.

19. A constable who finds a vehicle parked in contravention of these regulations may, at the expense of the owner, remove the vehicle and, if he deems it necessary to protect the vehicle or the interests of the owner, store it in a suitable place.

SPEED

20. No person shall drive a vehicle on a highway at a rate of speed in excess of the speed limit indicated for the highway by a sign.

21. Every person who violates any of these regulations is liable on summary conviction to a fine not exceeding fifty dollars or a term of imprisonment not exceeding two months or to both fine and imprisonment.

22. Nothing in these regulations shall be deemed to authorize a member of a provincial or municipal police force to enter any defence establishment except in the manner prescribed in the Defence Establishment Trespass Regulations.

(PC 1955-874)

(15 Jun 55)

(G)

(17 Sep 52)

PART II

*(Orders issued by the Minister pursuant to P.C. 4076
dated September 17, 1952.)*

A—TRAFFIC SIGNS

I, Brooke Claxton, Minister of National Defence, do hereby pursuant to the Government Property Traffic Regulations, direct that the officer in command of every defence establishment shall, for the purposes mentioned in section 7.(1) of those Regulations, erect within the establishment such traffic signs and devices as, in his opinion, are required for the control of traffic.

(M)

(17 Sep 52)

B—AUTHORIZATION

I, BROOKE CLAXTON, Minister of National Defence, do hereby, pursuant to clause (iii) of subsection (b) of section (2) of the Government Property Traffic Regulations made and established by Order-in-Council PC 4076 dated the 17th day of September, 1952, authorize to enforce the said regulations any person who is a peace officer, security policeman, provost or military policeman and, when assigned duties relating to the enforcement of the said regulations, any person who is a member of the Corps of Commissionaires, an officer or man of the Canadian Forces or an employee of the Department of National Defence or of the Defence Research Board.

(M)

(21 Jan 53)

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